Federal Register

9–22–10 Wednesday
Vol. 75 No. 183 Sept. 22, 2010

Pages 57657–57840

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

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

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

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

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register**, *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

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

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

How To Cite This Publication: Use the volume number and the page number. Example: 75 FR 12345.

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

FEDERAL REGISTER WORKSHOP

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

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

WHO: Sponsored by the Office of the Federal Register.

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

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

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

WHEN: Tuesday, October 5, 2010
9 a.m.–12:30 p.m.

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

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 75, No. 183

Wednesday, September 22, 2010

Agriculture Department
See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service
RULES
National Veterinary Accreditation Program; Correcting Amendment, 57658–57659
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Animal Health Monitoring System; Small-Scale Livestock Operations 2011 Study, 57736–57737
National Veterinary Services Laboratories; Bovine Spongiform Encephalopathy Surveillance Program Documents, 57737–57738

Children and Families Administration
PROPOSED RULES
Head Start Program, 57704–57719
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Income Withholding for Support (IWO), 57802–57803

Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57808–57810

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
International Buyer Program (IBP) Application and Exhibitor Data Form, 57738

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 57740

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57832–57833

Defense Department
PROPOSED RULES
Federal Acquisition Regulations:
TINA Interest Calculations, 57719–57720
NOTICES
Privacy Act; Systems of Records, 57740–57741

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57741–57742

Employment and Training Administration
NOTICES
Meetings:
Advisory Committee on Apprenticeship (ACA), Open, and New Members; Revision, 57819

Energy Department
See Federal Energy Regulatory Commission
RULES
Acquisition Regulation; Sustainable Acquisition, 57690–57696
NOTICES
Meetings:
Advanced Scientific Computing Advisory Committee; Open Teleconference, 57742–57743
Unconventional Resources Technology Advisory Committee, 57743–57744

Environmental Protection Agency
RULES
Hazardous Waste Management System:
Identification and Listing of Hazardous Waste, 57686–57688
Mandatory Reporting of Greenhouse Gases, 57669–57686
NOTICES
Access to Confidential Business Information by Eastern Research Group and Its Identified Subcontractor, 57768–57769
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Clean Watersheds Needs Survey (Renewal), 57769–57770
Certain New Chemicals:
Receipt and Status Information, 57770–57776
Clean Water Act Section 303(d):
Public Review of Draft Total Maximum Daily Load (TMDL) for Chesapeake Bay, 57776–57778
Experimental Use Permits:
Issuance, 57778–57779
Meetings:
SAB Dioxin Review Panel, 57779–57780
Orders to Amend Registrations to Terminate Certain Uses:
2–(Hydroxymethyl)–2–nitro–1,3–propanediol (Tris Nitro), 57780–57782
Registration Review Case Closures; Availability:
Clofencet, 57782
Registration Review; Pesticide Dockets Opened for Review and Comment:
Amended Work Plan for Imidacloprid, 57782–57785
Requests to Voluntarily Cancel Certain Pesticide Registrations, 57785–57787
Requests to Voluntarily Cancel Certain Pesticide Registrations:
Methyl Parathion, 57787–57789

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Federal Aviation Administration
RULES
Airworthiness Directives:
Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes, 57666–57669
Eurocopter France (ECF) Model SA–365N, AS–365N2, AS 365 N3, EC 155B, and EC155B1 Helicopters, 57659–57660
GROB–WERKE Model G120A Airplanes, 57664–57666
Rolls–Royce Corp. (RRC) AE 3007A Series Turbofan Engines, 57660–57664
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Aviation Maintenance Technical Schools, 57827–57828
Commuter Operations and General Certifications and Operations Requirements, 57829
Flight Engineers and Flight Navigators, 57828–57829
NAS Data Release Request, 57828
Airport Improvement Program (AIP):
Policy Regarding Access to Airports from Residential Property, 57829–57830

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57789–57796

Federal Emergency Management Agency
RULES
Suspension of Community Eligibility, 57688–57690
NOTICES
Major Disaster Declarations:
Illinois (Amendment No. 1), 57811
Illinois (Amendment No. 2), 57810–57811

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57744–57745
Applications for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests:
FPL Energy Maine Hydro LLC, 57745–57746
Applications Tendered for Filing with Commission, Soliciting Additional Study Requests, etc.:
Lockhart Power Co., 57746–57747
Applications:
Tres Palacios Gas Storage LLC, 57747
Combined Filings:
Electric Corporate, 57751–57754, 57756–57758
Electric Rate, 57749–57751, 57755–57756
Natural Gas Pipeline Rate and Refund Report, 57747–57749, 57754–57755
Declarations of Intention and Soliciting Comments, Protests, and/or Motions to Intervene:
Antrim Treatment Trust, 57758–57759
Environmental Impact Statements; Availability, etc.:
Seattle City Light, Public Utility District No. 1 of Pend Orielle County, 57759
Filings:
Desert Southwest Power, LLC, 57761–57762
Great River Energy, 57759–57760
Natural Gas Pipeline Rate and Refund Report, 57760–57761
North American Electric Reliability Corp., 57761
Initial Market-Based Rate Filings Include Request for Blanket Section 204 Authorization:
Greenbelt Energy LLC, 57762–57763
MATEP Limited Partnership; MATEP LLC, 57762
Sundevil Power Holdings, LLC, 57763
Meetings:
Charles River Associates and Resero Consulting, 57765–57766
Entergy Arkansas, Inc. (EAI), 57764–57765
Mandatory Reliability Standards for Bulk Power System; Technical Conference, 57764
Multi-Stakeholder Technical Conference on Integrated Licensing Process, 57763–57764
Petitions to Amend Authorizations under Section 3 of Natural Gas Act:
Cameron LNG, LLC, 57766
Petitions:
Ryckman Creek Resources, LLC, 57766–57767
Preliminary Permit Applications Accepted for Filing and Soliciting Comments, Motions to Intervene, etc.:
Alaska Power and Telephone Co., 57767–57768
Hydrodynamics, Inc., 57768

Federal Labor Relations Authority
NOTICES
Membership of FLRA Senior Executive Service Performance Review Board, 57796

Federal Maritime Commission
NOTICES
Ocean Transportation Intermediary Licenses:
Applicants, 57798
Recission of Order of Revocation, 57798
Reissuance, 57797
Revocations, 57797–57798

Federal Motor Carrier Safety Administration
RULES
Change to FMCSA Policy on Calculating and Publicizing Driver, Vehicle, and Hazardous Materials Out-of-Service and Crash Rates, 57696–57698

Federal Reserve System
NOTICES
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 57796–57797

Fish and Wildlife Service
RULES
Hunting and Fishing; CFR Correction, 57698
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
12-Month Finding on a Petition to List Agave Eggersiana as Endangered, 57720–57734

Food and Drug Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Experimental Study; Effect of Promotional Offers in Direct-to-Consumer Prescription Drug Print Advertisements, etc., 57798–57801
Medical Devices Third-Party Review under Food and Drug Administration Modernization Act, 57801–57802
Meetings:
Preparation for International Conference on Harmonisation Steering Committee, etc., 57803–57804
Safe Use Initiative; Public Workshop, 57804–57805

General Services Administration
PROPOSED RULES
Federal Acquisition Regulations:
TINA Interest Calculations, 57719–57720

Health and Human Services Department
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
Non-competitive Awards of Part D Funds:
University Of Utah, 57805
Privacy Act; Systems of Records, 57806–57807
Requests for Nominations for Voting Members:
Advisory Committee on Organ Transplantation, 57807–57808

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Application(s) for Duty-Free Entry of Scientific Instruments, 57738–57739

International Trade Commission
NOTICES
Scheduling of Full Five-Year Reviews Concerning Antidumping Duty Orders:
Purified Carboxymethylcellulose from Finland, Mexico, Netherlands, and Sweden, 57815–57816

Justice Department
NOTICES
Lodging of Consent Decrees, 57816–57817

Labor Department
See Employment and Training Administration
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57817–57819

Land Management Bureau
NOTICES
Proposed Supplementary Rules on Public Land:
Idaho, 57813–57815

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulations:
TINA Interest Calculations, 57719–57720

National Archives and Records Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 57819–57820

National Credit Union Administration
NOTICES
National Credit Union Administration Restoration Plan, 57820

National Oceanic and Atmospheric Administration
RULES
Atlantic Highly Migratory Species:
Atlantic Billfish Management, White Marlin (Kajikia albidus), Roundscale Spearfish (Tetrapturus georgii), 57698–57702
Fisheries of Exclusive Economic Zone Off Alaska:
Pollock in Statistical Area 630 of Gulf of Alaska, 57702–57703
PROPOSED RULES
Fisheries of Caribbean, Gulf of Mexico, and South Atlantic:
Snapper–Grouper Fishery off Southern Atlantic States; Amendment 17B, 57734–57735
NOTICES
NOAA Climate Service Strategic Vision and Framework and Informational Webinar Meetings, 57739

National Park Service
NOTICES
Intents to Prepare Environmental Assessments and Scopings:
Presidents Park South Security Re-Design and Landscaping Preservation and Permanent Closure of E Street, etc., 57811–57812

Nuclear Regulatory Commission
NOTICES
License Applications:
Luminant Generation Co., LLC, Comanche Peak Nuclear Power Plant Units 3 and 4, 57820–57821

Office of United States Trade Representative
See Trade Representative, Office of United States

Pipeline and Hazardous Materials Safety Administration
NOTICES
Applications for Modification of Special Permit, 57830–57831
Applications for Special Permits, 57831–57832

Presidential Documents
PROCLAMATIONS
Special Observances:
Constitution Day and Citizenship Day, Constitution Week (Proc. 8562), 57835–57838
National POW/MIA Recognition Day (Proc. 8563), 57839–57840

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
C2 Options Exchange, Inc., 57821–57822
NASDAQ OMX BX, Inc., 57823–57825
NASDAQ Stock Market LLC, 57822–57823

Special Inspector General For Iraq Reconstruction
RULES
Supplemental Standards of Ethical Conduct for Employees of the Special Inspector General for Iraq Reconstruction, 57657–57658

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition Determinations:
Ancient Chinese Bronzes from Shouyang Studio; Katherine and George Fan Collection, 57825–57826
Artifacts from Auschwitz–Birkenau, 57825
On Line; Drawing Through Twentieth Century, 57826
Department of State Foreign Operations and Related Programs Appropriations Act:
Determination and Certfication Related to Colombian Armed Forces, 57826
Meetings:
Review of U.S. National Contact Point for OECD Guidelines for Multinational Enterprises, 57826–57827

Trade Representative, Office of United States
NOTICES
Meetings:
Committee of Chairs of Industry Trade Advisory Committees, 57827

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency

Veterans Affairs Department
NOTICES
Meetings:
Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, 57833

Separate Parts In This Issue

Part II
Presidential Documents, 57835–57840

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations
8562 57837
8563 57839

5 CFR
9201 57657

9 CFR
91 57658
162 57658

14 CFR
39 (4 documents) 57659, 57660, 57664, 57666

40 CFR
98 57669
261 57686

44 CFR
64 57688

45 CFR
Proposed Rules:
1307 57704

48 CFR
907 57690
923 57690
936 57690
952 57690
970 57690
Proposed Rules:
52 57719

49 CFR
385 57696

50 CFR
32 (3 documents) 57698
600 57698
635 57698
679 57702
Proposed Rules:
17 57720
622 57734

Rules and Regulations

Federal Register
Vol. 75, No. 183
Wednesday, September 22, 2010

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.

SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

5 CFR Part 9201

Supplemental Standards of Ethical Conduct for Employees of the Special Inspector General for Iraq Reconstruction

AGENCY: Special Inspector General for Iraq Reconstruction.

ACTION: Final rule.

SUMMARY: The Special Inspector General for Iraq Reconstruction (SIGIR), with the concurrence of the Office of Government Ethics (OGE), is publishing a final regulation for employees of the SIGIR that supplements the executive-branch-wide Standards of Ethical Conduct (Standards) issued by OGE. With certain exceptions, this supplemental regulation requires SIGIR employees, except special Government employees, to obtain approval before engaging in outside employment.

DATES: This final rule is effective September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Michael H. Mobbs, Deputy General Counsel, Telephone- 703–604–0429; e-mail—*michael.mobbs@sigir.mil.*

SUPPLEMENTARY INFORMATION:

Background

In 1992, OGE published Standards of Ethical Conduct for Employees of the Executive Branch (Standards) which became effective on February 3, 1993. The Standards, as corrected and amended, are codified at 5 CFR part 2635. The Standards set uniform ethical conduct standards applicable to all executive branch personnel. Section 2635.105 of the Standards authorizes agencies, with the concurrence of OGE, to publish agency-specific supplemental regulations that are necessary to properly implement their respective ethics programs. The SIGIR, with OGE's concurrence, published an interim rule in the **Federal Register** on June 24, 2010, requesting comments to be received by August 23, 2010. The SIGIR received no comments. Accordingly, SIGIR has adopted the interim rule as final.

Analysis of the Regulations

Section 9201.101 General

Section 9201.101 explains that the regulations in part 9201 apply to employees of the SIGIR and supplement the OGE Standards. This section also includes cross-references to other issuances applicable to SIGIR employees, including the regulations concerning executive branch financial disclosure, financial interests, and employee responsibilities and conduct, as well as implementing SIGIR guidance and procedures issued in accordance with OGE Standards.

Section 9201.102 Prior Approval for Outside Employment and Other Outside Activities

In accordance with 5 CFR 2635.803, the SIGIR has determined it is necessary for the purpose of administering its ethics program to require its employees to obtain approval before engaging in outside employment or activities. This approval requirement will help to ensure that potential ethical problems are resolved before employees begin outside employment or activities that could involve a violation of applicable statutes and standards of conduct.

Section 9201.102(a) provides that a SIGIR employee, other than a special Government employee, must obtain advance written approval from the employee's supervisor and the concurrence of the Designated Agency Ethics Official (DAEO) or alternate DAEO before engaging in any outside employment except to the extent that the SIGIR DAEO or alternate DAEO has issued an instruction or manual pursuant to paragraph (e) of this section exempting an activity or class of activities from this requirement.

Section 9201.102(b) broadly defines outside employment to cover any form of non-Federal employment or business relationship involving the provision of personal services, whether or not for compensation, other than the discharge of official duties. It includes writing when done under an arrangement with another person or entry for production or publication of the written product. It does not, however, include participation in the activities of non-profit charitable, religious, professional, social, fraternal, educational, recreational, public service, or civic organizations, unless such activities are for compensation other than reimbursement of expense, the organization's activities are devoted substantially to matters relating to the employee's official duties as defined in 5 CFR 2635.807(a)(2)(i)(B) through (E) and the employee will serve as an officer or director of the organization, or the activities will involve the provision of consultative or professional services. Consultative services means the provision of personal services by an employee, including the rendering of advice or consultation, which requires advanced knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital, or similar facility. Professional services means the provision of personal services by an employee, including the rendering of advice or consultation, which involves application of the skills of a profession as defined in 5 CFR 2636.305(b)(1) or involves a fiduciary relationship as defined in 5 CFR 2636.305(b)(2). A note following paragraph (b) of § 9201.102 pertains to the special approval requirement set out in both 18 U.S.C. 203(d) and 205(e) respectively, for certain representational activities otherwise covered by the conflict of interest restrictions on compensation and activities of employees in claims against and other matters affecting the Government. The note explains that an employee who wishes to act as agent or attorney for, or otherwise represent his parents, spouse, child, or any person for whom, or any estate for which, he is serving as guardian, executor, administrator, trustee or other personal fiduciary in such matters must obtain the approval required by law of the Government official responsible for the employee's appointment in addition to the regulatory approval required in § 9201.102.

Section 9201.102(c) sets out the procedures for requesting prior approval to engage in outside employment initially, or within seven calendar days of a significant change in the nature or scope of the outside employment or the employee's official position.

Section 9201.102(d) sets out the standard to be applied by the employee's supervisor and the DAEO or alternate DAEO in acting on requests for prior approval of outside employment as broadly defined by 9201.102(b). Approval shall be granted only upon a determination that the outside employment is not expected to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635.

Section 9201.102(e) provides that the SIGIR DAEO or alternate DAEO can issue instructions or manual issuances governing the submission of requests for approval of outside employment, which may exempt categories of employment from the prior approval requirement of this section based on a determination that employment within those categories would generally be approved and is not likely to involve conduct prohibited by statute or Federal regulation, including 5 CFR part 2635. The instructions or issuances may include examples of outside employment that are permissible or impermissible consistent with this part and 5 CFR part 2635.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) the SIGIR found good cause existed for waiving the general notice of proposed rulemaking and opportunity for public comment as to the interim rule. Notice and comment before the effective date were waived because the rule concerns matters of agency organization, practice and procedure. Written comments were invited to be submitted prior to August 24, 2010, 60 days after the publication of the interim rule; however no comments were received.

Executive Orders 12866 and 12988

Because this rule relates to SIGIR personnel, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988.

Regulatory Flexibility Act

SIGIR has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. chapter 6, that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects SIGIR employees.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. chapter 35, does not apply because this rulemaking does not contain information collection requirements subject to the approval of the Office of Management and Budget.

Congressional Review Act

SIGIR has determined that this rule is not a rule as defined in 5 U.S.C. 804, and thus, does not require review by Congress.

List of Subjects in 5 CFR Part 9201

Conflict of interest, Government employees.

■ Accordingly, for the reasons set forth in the preamble, the Special Inspector General for Iraq Reconstruction, with the concurrence of the Office of Government Ethics, is adopting the interim rule published at 75 FR 35957 on June 24, 2010, as final without change.

Stuart W. Bowen, Jr.,

Special Inspector General for Iraq Reconstruction.

Approved: June 10, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

[FR Doc. 2010–23564 Filed 9–21–10; 8:45 am]

BILLING CODE 3710–8N–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 91 and 162

[Docket No. APHIS-2006-0093]

RIN 0579-AC04

National Veterinary Accreditation Program; Correcting Amendment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correcting amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on December 9, 2009 (74 FR 64998-65013, Docket No. APHIS-2006-0093), and effective on February 1, 2010, we amended the National Veterinary Accreditation Program regulations, adding new provisions and reorganizing others. In that final rule, we redesignated the section containing the standards for performing accredited veterinarian duties, but we neglected to update citations of that section elsewhere in 9 CFR chapter I. This document corrects those errors.

EFFECTIVE DATE: September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Todd Behre, National Veterinary Accreditation Program, VS, APHIS, 4700 River Road Unit 200, Riverdale, MD 20737; (301) 851-3401.

SUPPLEMENTARY INFORMATION:

Background

In a final rule that was published in the **Federal Register** on December 9, 2009 (74 FR 64998-65013, Docket No. APHIS-2006-0093), and effective on February 1, 2010, we amended the National Veterinary Accreditation Program (NVAP) regulations, adding new provisions and reorganizing others.

As part of the reorganization, we redesignated what had been § 161.3, "Standards for performing accredited duties," as § 161.4. However, we neglected to update two references to § 161.3 elsewhere in the NVAP regulations, specifically in § 162.11 and paragraph (a) of § 162.12. In addition, paragraph (a) of 9 CFR 91.3, which discusses general export requirements for livestock, refers to certification of test results in accordance with paragraph (k) of § 161.3. This document corrects those citations to refer instead to § 161.4.

List of Subjects

9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 162

Administrative practice and procedure, Veterinarians.

■ Accordingly, we are amending 9 CFR parts 91 and 162 as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 7 U.S.C. 8301-8317; 19 U.S.C. 1644a(c); 21 U.S.C. 136, 136a, and 618; 46 U.S.C. 3901 and 3902; 7 CFR 2.22, 2.80, and 371.4.

§ 91.3 [Amended]

■ 2. In § 91.3, paragraph (a) is amended by removing the citation "§ 161.3(k)" and adding the citation "§ 161.4(k)" in its place.

PART 162—RULES OF PRACTICE GOVERNING REVOCATION OR SUSPENSION OF VETERINARIANS' ACCREDITATION

■ 3. The authority citation for part 162 continues to read as follows:

Authority: 8301-8317; 15 U.S.C. 1828; 7 CFR 2.22, 2.80, and 371.4.

§ 162.11 [Amended]

■ 4. Section 162.11 is amended by removing the citation "§ 161.3" and adding the citation "§ 161.4" in its place.

§ 162.12 [Amended]

■ 5. In § 162.12, paragraph (a) is amended by removing the citation "§ 161.3" and adding the citation "§ 161.4" in its place.

Done in Washington, DC, this 16th day of September 2010.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–23671 Filed 9–21–10: 12:08 pm]

BILLING CODE 3410–34–S

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0426; Directorate Identifier 2009–SW–34–AD; Amendment 39–16433; AD 2010–19–05]

RIN 2120–AA64

Airworthiness Directives Eurocopter France (ECF) Model SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the specified ECF model helicopters. This AD results from a mandatory continuing airworthiness information (MCAI) AD issued by the aviation authority of the European Aviation Safety Agency (EASA). The MCAI AD reports the separation and loss of a stainless steel ring (75 millimeter (mm) in diameter) from a tail rotor blade (blade) sleeve resulting in severe, high-frequency vibrations, which can lead to damage to the fenestron blades, loss of yaw control, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective on October 27, 2010.

The incorporation by reference of certain publications is approved by the Director of the Federal Register as of October 27, 2010.

ADDRESSES: You may examine the AD docket on the Internet at *http://regulations.gov* or in person at the Docket Operations office, U.S. Department of Transportation, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at *http://www.eurocopter.com.*

Examining the AD Docket: The AD docket contains the Notice of proposed rulemaking (NPRM), the economic evaluation, any comments received, and other information. The street address and operating hours for the Docket Operations office (telephone (800) 647–5527) are in the **ADDRESSES** section of this AD. Comments will be available in the AD docket shortly after they are received.

FOR FURTHER INFORMATION CONTACT: DOT/FAA Southwest Region, Gary Roach, ASW–111, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Guidance Group, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5130; fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Discussion

We issued an NPRM to amend 14 CFR part 39 to include an AD that would apply to the specified ECF model helicopters on April 14, 2010. That NPRM was published in the **Federal Register** on April 22, 2010 (75 FR 20931). That NPRM proposed:

- For the ECF Model SA–365N1, AS–365N2, and AS 365 N3 helicopters, within 50 hours time-in-service (TIS), and thereafter at intervals not to exceed 10 hours TIS, inspecting each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub.
- For the ECF Model EC 155B or B1 helicopters, within 50 hours TIS, and thereafter at intervals not to exceed 15 hours TIS, inspecting each blade for slippage of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub.
- If the stainless steel ring has slipped outward, before further flight, replacing the blade with an airworthy blade.

Comments

By publishing the NPRM, we gave the public an opportunity to participate in developing this AD. We received no comment on the NPRM or on our determination of the cost to the public; however, since the issuance of the NPRM, the average labor rate has increased from $80 per work hour to $85 per work hour, resulting in an increase of $41 in costs of compliance. We have determined that this change does not significantly increase the economic burden on any AD operator nor does it increase the scope of the AD. Therefore, based on our review and evaluation of the available data, we have determined that air safety and the public interest require adopting the AD as proposed.

Related Service Information

Eurocopter has issued Alert Service Bulletin No. 05A011 for the Model EC 155B and B1 helicopters and No. 05.00.49 for the Model SA–365N1, AS–365N2, and AS 365 N3 helicopters. Both service bulletins are dated March 1, 2006. The service information specifies checking the blade sleeve for slippage of the stainless steel ring (75 mm in diameter) and replacing the blade if the stainless steel ring has slipped. The actions described in the MCAI AD are intended to correct the same unsafe condition as that identified in the service information.

Differences Between This AD and the MCAI AD

We refer to flying hours as hours time-in-service. Also, we use "inspect" rather than "check" to describe the actions required by this AD. We use a different initial compliance time.

Costs of Compliance

We estimate that this AD will affect about 33 helicopters of U.S. registry. We also estimate that it will take about 15 minutes per helicopter to inspect for slippage of the stainless steel ring of the blade sleeve. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the AD on U.S. operators is $701, assuming none of the blades are replaced.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on product(s) identified in this rulemaking action.

Regulatory Findings

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

Therefore, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

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

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2010–19–05 Eurocopter France: Amendment 39–16433 ; Docket No. FAA–2010–0426; Directorate Identifier 2009–SW–34–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective on October 27, 2010.

Other Affected ADs

(b) None.

Applicability

(c) This AD applies to Model SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters, with a fenestron tail rotor blade (blade), part number 365A12–0060–01 or 365A12–0070–00, installed, certificated in any category.

Reason

(d) The mandatory continuing airworthiness information (MCAI) AD reports the separation and loss of a stainless steel ring (75 mm in diameter) from a blade sleeve resulting in severe, high-frequency vibrations, which can lead to damage to the fenestron blades, loss of yaw control, and subsequent loss of control of the helicopter.

Actions and Compliance

(e) Required as indicated:

(1) For the Model SA–365N1, AS–365N2, and AS 365 N3 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 10 hours TIS, inspect each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub as depicted in Appendix 1 and by following the Accomplishment Instructions, paragraph 2.B.1., of Eurocopter Alert Service Bulletin No. 05.00.49, dated March 1, 2006.

(2) For the Model EC 155B or B1 helicopters, within 50 hours time-in-service (TIS), unless done previously, and thereafter at intervals not to exceed 15 hours TIS, inspect each blade of the fenestron tail rotor to determine whether there has been any outward slippage (toward the shroud) of the stainless steel ring that is around the sleeve of each blade where the blade enters the fenestron hub as depicted in Appendix 1 and by following paragraph 2.B.1., of Eurocopter Alert Service Bulletin No. 05A011, dated March 1, 2006.

(3) If the stainless steel ring has slipped outward, before further flight, replace the blade with an airworthy blade.

Differences Between This AD and the MCAI AD

(f) We refer to flying hours as hours time-in-service. Also, we use "inspect" rather than "check" to describe the action to be taken in the AD. We use a different initial compliance time.

Other Information

(g) Alternative Methods of Compliance (AMOCs): The Manager, Rotorcraft Directorate, Safety Management Group, *Attn:* DOT/FAA Southwest Region, Gary Roach, ASW–111, Aviation Safety Engineer, Regulations and Guidance Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5130, fax (817) 222–5961, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) European Aviation Safety Agency MCAI Airworthiness Directive No. 2006–0099, dated April 24, 2006, contains related information.

Joint Aircraft System/Component (JASC) Code

(i) The JASC Code is 6400: Tail Rotor.

Material Incorporated by Reference

(j) You must use the specified portions of Eurocopter Alert Service Bulletins No. 05A011 and No. 05.00.49, both dated March 1, 2006, to do the actions required.

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

(2) For service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, TX 75053–4005, telephone (800) 232–0323, fax (972) 641–3710, or at *http://www.eurocopter.com.*

(3) You may review copies at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Fort Worth, Texas 76137; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on September 3, 2010.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2010–23098 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0811; Directorate Identifier 2008–NE–41–AD; Amendment 39–16429; AD 2010–19–01]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for RRC AE 3007A series turbofan engines. That AD currently requires performing an eddy current inspection (ECI) or surface wave ultrasonic test (SWUT) inspection on each affected high-pressure turbine (HPT) wheel. This AD requires removing or performing initial and repetitive ECIs or SWUT inspections on HPT stage 2 wheels for cracks. This AD also reduces the approved life limits of certain HPT stage 2 wheels. This AD results from reports of cracked HPT stage 2 wheels. We are issuing this AD to prevent uncontained failure of the HPT stage 2 wheel and damage to the airplane.

DATES: This AD becomes effective October 27, 2010. The Director of the Federal Register approved the incorporation by reference of certain

publications listed in the regulations as of October 27, 2010.

ADDRESSES: You can get the service information identified in this AD from Rolls-Royce Corporation, P.O. Box 420, Speed Code U15, Indianapolis, IN 46206–0420, e-mail: *indy.pubs.services@rolls-royce.com.*

The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; e-mail: *kyri.zaroyiannis@faa.gov;* telephone (847) 294–7836; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 by superseding AD 2009–08–51, Amendment 39–15905 (74 FR 22091, May 12, 2009), with a proposed AD. The proposed AD applies to RRC AE 3007A series turbofan engines. We published the proposed AD in the **Federal Register** on February 18, 2010 (75 FR 7209). That action proposed to require:

- Removing from service, any engine with certain part number (P/N) HPT stage 2 wheels that have a cycles-since-new (CSN) specified in Table 1 of this AD, by the compliance time specified in Table 1 of this AD; or
- Performing an ECI or SWUT inspection on certain P/N HPT stage 2 wheels that have a CSN specified in Table 1 of this AD by the compliance time specified in Table 1 of this AD; and
- Performing repetitive ECI or SWUT inspections of the HPT stage 2 wheels within 3,000 cycles-since-last inspection.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request To Clarify Repetitive Inspection Paragraph

One commenter asks us to clarify paragraph (i) of the proposed AD, which states "Thereafter, within 3,000 cycles since last inspection, remove the engine from service * * *" The commenter asks if the last inspection means those inspections performed to comply with ADs 2008–19–51, 2008–26–06 and 2009–08–51. The commenter feels paragraph (i) of the proposed AD is not clear.

We agree. We changed paragraph (i) of this AD to "Thereafter, within 3,000 cycles-since-last inspection performed as a result of this AD or its predecessor ADs (Emergency ADs 2008–19–51, AD 2008–26–06, and 2009–08–51), remove the engine from service * * *

Request To Credit for Work Done to Previous Revisions of the Service Bulletins

Four commenters ask us to allow credit for initial and repetitive inspections performed using previous versions of RRC Alert Service Bulletin (ASB) AE 3007A–A–72–367, Revision 2, dated June 22, 2009, Service Bulletin (SB) AE 3007A–72–176, Revision 5, dated September 2, 2008; SB AE 3007A–72–215, Revision 2, dated September 28, 2009; SB AE 3007A–72–368, Revision 3, dated May 24, 2010; and SB AE 3007A–72–369, Revision 2, dated November 5, 2009.

We agree. We added paragraph (g)(6) to allow credit for initial and repetitive inspections performed using earlier versions of RRC ASB AE 3007A–A–72–367, Revision 2, dated June 22, 2009; SB AE 3007A–72–368, Revision 3, dated May 24, 2010; and SB AE 3007A–72–369, Revision 2, dated November 5, 2009. We also changed paragraph (l) of this AD to state "For wheels, P/N 23069438 * * * RRC SB AE 3007A–72–176, Revision 5, dated September 2, 2008, or earlier version; or SB AE 3007A–72–215, Revision 2, dated September 28, 2009, or earlier version, remove the wheel before exceeding the new, reduced ECLL of 10,000 CSN."

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect 1402 engines installed on airplanes of U.S. registry. We also estimate that it will take about 2 work-hours per engine to perform both the ECI and SWUT. The average labor rate is $85 per work-hour. No parts are required for the inspection. We estimate the prorated life lost per stage 2 wheel is about $13,177. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $18,712,494. This estimate is exclusive of any warranty coverage.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a "significant regulatory action" under Executive Order 12866;

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

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

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–15905 (74 FR 22091, May 12, 2009), and by adding a new airworthiness directive, Amendment 39–16429, to read as follows:

2010–19–01 Rolls-Royce Corporation (Formerly Allison Engine Company): Amendment 39–16429. Docket No. FAA–2009–0811; Directorate Identifier 2008–NE–41–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 27, 2010.

Affected ADs

(b) This AD supersedes AD 2009–08–51, Amendment 39–15905.

Applicability

(c) This AD applies to Rolls-Royce Corporation (RRC) AE 3007A series turbofan engines with high-pressure turbine (HPT) stage 2 wheels, part numbers (P/Ns) 23069438, 23069592, 23074462, 23074644, 23075345, or 23084520 installed. These engines are installed on, but not limited to, Empresa Brasileira de Aeronautica S. A. (EMBRAER) EMB–135 and EMB–145 airplanes.

Unsafe Condition

(d) This AD results from reports of cracked HPT stage 2 wheels. We are issuing this AD to prevent uncontained failure of the HPT stage 2 wheel and damage to the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

HPT Stage 2 Wheels Exempted From the Inspection Requirements of This AD

(f) The following engines are exempt from the inspection requirements of this AD:

(1) All engines with an HPT stage 2 wheel, P/N 23084520.

(2) All engines with an HPT stage 2 wheel, P/N 23075345, that has a serial number (S/N) specified in Table 1 of this AD, and

(3) All engines with an HPT stage 2 wheel, P/N 23074462, that has a S/N specified in Table 2 of this AD.

TABLE 1—HPT STAGE 2 WHEEL, P/N 23075345 BY S/N EXCLUDED FROM INSPECTION REQUIREMENTS (g) THROUGH (i) OF THIS AD

MM507646	MM508211	MM508319
MM508144	MM508221	MM508320
MM508153	MM508241	MM508322
MM508176	MM508248	MM508337
MM508186	MM508251	MM508338
MM508188	MM508264	MM508382
MM508205	MM508305	MM508387
MM508208	MM508311	

TABLE 2—HPT STAGE 2 WHEEL, P/N 23074462 BY S/N EXCLUDED FROM INSPECTION REQUIREMENTS (g) THROUGH (i) OF THIS AD

MM504890	MM505025	MM505054
MM504963	MM505034	MM505055
MM504990	MM505041	MM505056
MM504995	MM505045	MM505061
MM505007	MM505046	All 'MM' prefix S/Ns higher than MM505061
MM505017	MM505048	All S/Ns with 'MW' prefix

Initial Eddy Current Inspection (ECI) or Surface Wave Ultrasonic Testing (SWUT) Inspection

(g) For engines with an HPT stage 2 wheel, P/Ns 23069438, 23069592, 23074462, 23074644, or 23075345, remove the engine from service or perform an initial inspection of the wheel by the cycle limit specified in Table 3 of this AD. Use one of the following methods for the inspection:

(1) For HPT stage 2 wheels that have S/Ns listed in Table 4 of this AD, use paragraphs 2.A. through 2.C.(4) of RRC Alert Service Bulletin (ASB) AE 3007A–A–72–367, Revision 2 dated June 22, 2009, to inspect the wheel.

(2) For HPT stage 2 wheels that have S/Ns not listed in Table 4 of this AD, use paragraphs 2.A. through 2.C.(4) of RRC ASB AE 3007A–A–72–367, Revision 2, dated June 22, 2009, or use paragraphs 2.A. through 2.N. of RRC Service Bulletin (SB) AE 3007A–72–368, Revision 3, dated May 24, 2010; or use 2.A. through 2.V.(4) of RRC SB AE 3007A–72–369, Revision 2, dated November 5, 2009, to perform the inspections.

TABLE 3—COMPLIANCE TIMES FOR ENGINE REMOVAL OR ECI OR SWUT INSPECTION OF THE HPT STAGE 2 WHEELS BY CYCLES-SINCE-NEW

[CSN]

For HPT stage 2 wheels with the following CSN on the effective date of this AD:	Remove engine from service or inspect wheel within the following cycles-in-service (CIS) after the effective date of this AD:
(3) 17,500 or more CSN	Remove engine from service or inspect before next flight.
(4) 10,000 to 17,499 CSN	15 CIS.
(5) 9,999 or fewer CSN	Before accumulating 10,015 CSN.

Credit for Previous Inspections

(6) Inspections performed before the effective date of this AD using earlier versions of RRC ASB AE 3007A–A–72–367 or RRC SB AE 3007A–72–368 or RRC SB AE 3007A–72–369 comply with the requirements of paragraphs (g)(1) and (g)(2) of this AD.

TABLE 4—S/NS OF HPT STAGE 2 WHEELS TO BE INSPECTED BY SB AE 3007A–72–367

[ECI Method Only]

HPT stage 2 wheels requiring ECI method only	
MM119400	MM183796
MM119480	MM183808
MM119508	MM183831
MM155847	MM228730
MM155907	MM228951
MM155908	MM503748
MM183236	MM504004
MM183362	MM57188
MM183754	MM57440

TABLE 4—S/NS OF HPT STAGE 2 WHEELS TO BE INSPECTED BY SB AE 3007A–72–367—Continued

[ECI Method Only]

MM183762	MM57480

Installation Prohibition

(h) After the effective date of this AD, don't return to service, any HPT stage 2 wheel that was installed in any RRC AE 3007A series engine that has been removed as a result of the inspection requirements of this AD, unless the HPT stage 2 wheel was inspected as specified in RRC ASB AE 3007A–A–72–367, Revision 2, dated June 22, 2009; or RRC

SB AE 3007A–72–368, Revision 3, dated May 24, 2010; or RRC SB AE 3007A–72–369, Revision 2, dated November 5, 2009.

Repetitive Inspection

(i) Thereafter, within 3,000 cycles-since-last inspection performed as a result of this AD or its predecessor ADs (Emergency ADs 2008–19–51, AD 2008–26–06, and 2009–08–51), remove the engine from service until an ECI or SWUT inspection is performed on the HPT stage 2 wheel. Use paragraphs 2.A. through 2.C.(4) of RRC ASB AE 3007A–A–72–367, Revision 2, dated June 22, 2009, or use paragraphs 2.A. through 2.N. of RRC SB AE 3007A–72–368, Revision 3, dated May 24, 2010; or use 2.A. through 2.V.(4) of RRC SB AE 3007A–72–369, Revision 2, dated November 5, 2009, to inspect the wheel.

New, Reduced Engine Cycle Life Limit and Removal From Service

(j) For HPT stage 2 wheels, P/N 23084520, do the following:

(1) For wheels that have 22,985 CSN or more on the effective date of this AD, remove the wheel from service within 15 CIS after the effective date of this AD.

(2) Thereafter, remove HPT stage 2 wheels, P/N 23084520, before exceeding the new, reduced engine cycle life limit (ECLL) of 23,000 CSN.

(k) For HPT stage 2 wheels, P/N 23075345 and 23074644, do the following:

(1) For wheels that have 19,985 CSN or more on the effective date of this AD, remove the wheel from service within 15 CIS after the effective date of this AD unless paragraph (k)(3) of this AD applies.

(2) Thereafter, remove HPT stage 2 wheels, P/N 23075345 and 23074644, before exceeding the new, reduced ECLL of 20,000 CSN.

(3) For HPT stage 2 wheels, P/N 23075345, that have a S/N listed in Table 5 of this AD and that have 22,985 CSN or more on the effective date of this AD, remove the wheel from service within 15 CIS after the effective date of this AD.

(4) Thereafter, for HPT stage 2 wheels, P/N 23075345, that have a S/N listed in Table 5 of this AD, remove the wheel from service before exceeding the new, reduced ECLL of 23,000 CSN.

TABLE 5—S/NS OF HPT STAGE 2 WHEEL, P/N 23075345, ELIGIBLE TO REMAIN IN SERVICE UNTIL 23,000 CSN

MM507646	MM508205	MM508251	MM508322
MM508144	MM508208	MM508264	MM508337
MM508153	MM508211	MM508305	MM508338
MM508176	MM508221	MM508311	MM508382
MM508186	MM508241	MM508319	MM508387
MM508188	MM508248	MM508320	

(l) For wheels, P/N 23069438, in engines that have not complied with RRC SB AE 3007A–72–176, Revision 5, dated September 2, 2008, or earlier version; or SB AE 3007A–72–215, Revision 2, dated September 28, 2009, or earlier version, remove the wheel before exceeding the new, reduced ECLL of 10,000 CSN.

(m) For wheels, P/N 23069438, in engines that have complied with RRC SB AE 3007A–72–176, Revision 5, dated September 2, 2008, or earlier version; or SB AE 3007A–72–215, Revision 2, dated September 28, 2009, or earlier version; do the following:

(1) For wheels that have 19,985 CSN or more on the effective date of this AD, remove the wheel from service within 15 CIS after the effective date of this AD.

(2) Thereafter, remove the wheel from service before exceeding the new, reduced ECLL of 20,000 CSN.

Alternative Methods of Compliance

(n) The Manager, Chicago Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Special Flight Permits

(o) Under 14 CFR 39.23, we are limiting the special flight permits for this AD by restricting the flight to essential flight crew only.

Related Information

(p) Contact Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; e-mail: *kyri.zaroyiannis@faa.gov;* telephone (847) 294–7836; fax (847) 294–7834, for more information about this AD.

Material Incorporated by Reference

(q) You must use the service information specified in Table 6 of this AD to perform the inspections required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 6 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Rolls-Royce Corporation, P.O. Box 420, Indianapolis, IN 46206; telephone (317) 230–3774; fax (317) 230–8084; e-mail: *indy.pubs.services@rolls-royce.com.* You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 6—INCORPORATION BY REFERENCE

Rolls-Royce Corporation Service Information No.	Page	Revision	Date
Alert Service Bulletin AE 3007A–A–72–367, Total Pages: 8	ALL	2	June 22, 2009.
Service Bulletin AE 3007A–72–368, Total Pages: 23	ALL	3	May 24, 2010.
Service Bulletin AE 3007A–72–369, Total Pages: 22	ALL	2	November 5, 2009.

(Only the transmittal letter for Alert Service Bulletin (ASB) AE 3007A–A–72–367, Revision 2, dated June 22, 2009, identifies this service bulletin as an ASB; no other page of this document contains this information.)

Issued in Burlington, Massachusetts, on September 1, 2010.

Robert G. Mann,

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

[FR Doc. 2010–22370 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0926; Directorate Identifier 2010–CE–024–AD; Amendment 39–16435; AD 2010–20–01]

RIN 2120–AA64

Airworthiness Directives; G ROB–WERKE Model G120A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

GROB Aircraft AG has been informed that flap ribs P/N 120A–1053 and 120A–1054 have been found cracked during regular maintenance. Structural failure of the ribs may cause failure of the middle flap support which may lead to flap asymmetry due to excessive flap deformation and ultimately could result in reducing the controllability of the aeroplane.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective October 12, 2010.

On October 12, 2010, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive comments on this AD by November 8, 2010.

ADDRESSES: You may send comments by any of the following methods:

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4130; *fax:* (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued Emergency AD No.: 2010–0140, dated July 2, 2010 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

GROB Aircraft AG has been informed that flap ribs P/N 120A–1053 and 120A–1054 have been found cracked during regular maintenance. Structural failure of the ribs may cause failure of the middle flap support which may lead to flap asymmetry due to excessive flap deformation and ultimately could result in reducing the controllability of the aeroplane.

Pending further investigation on the root source for the cracks, including review of the original proofs of compliance, temporary limitations for flap operations were established until terminating action development.

EASA AD 2010–0065–E required a repetitive inspection of the RH and LH flap ribs. EASA AD 2010–0065–E is superseded as a terminating action has been developed by Grob Aircraft AG.

This AD, which supersedes EASA AD 2010–0065–E retaining its requirements, additionally requires accomplishment of repair N° 1121–017 and modification N° 1121–018 for aeroplanes on which cracks have been found or accomplishment of modification N° 1121–018 only for aeroplanes on which *no* crack has been found.

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

Relevant Service Information

GROB Aircraft AG has issued Service Bulletin No. ASB1121–113/1, dated May 18, 2010; Repair Instruction No. RI–1121–017, dated April 1, 2010; and Repair Instruction No. RI–1121–018, dated May 18, 2010. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because during regular maintenance, cracks have been found in the flap ribs. If not corrected, structural failure of the ribs may cause failure of the middle flap support, which could lead to flap asymmetry, due to excessive

flap deformation, and ultimately reduce the controllability of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0926; Directorate Identifier 2010–CE–024–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a "significant regulatory action" under Executive Order 12866;

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2010–20–01 GROB-WERKE: Amendment 39–16435; Docket No. FAA–2010–0926; Directorate Identifier 2010–CE–024–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 12, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model G120A airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

(e) GROB Aircraft AG has been informed that flap ribs P/N 120A–1053 and 120A–1054 have been found cracked during regular maintenance. Structural failure of the ribs may cause failure of the middle flap support which may lead to flap asymmetry due to excessive flap deformation and ultimately could result in reducing the controllability of the aeroplane.

Pending further investigation on the root source for the cracks, including review of the original proofs of compliance, temporary limitations for flap operations established until terminating action development.

EASA AD 2010–0065–E required a repetitive inspection of the RH and LH flap ribs. EASA AD 2010–0065–E is superseded as a terminating action has been developed by Grob Aircraft AG.

This AD, which supersedes EASA AD 2010–0065–E retaining its requirements, additionally requires accomplishment of repair N° 1121–017 and modification N° 1121–018 for aeroplanes on which cracks have been found or accomplishment of modification N° 1121–018 only for aeroplanes on which *no* crack has been found.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) Before further flight after October 12, 2010 (the effective date of this AD), and repetitively thereafter before the first flight of each day, inspect the right hand (RH) and left hand (LH) flap ribs for cracks following GROB Aircraft AG Service Bulletin No.: ASB1121–113/1, Accomplishment Instructions, PART A, dated May 18, 2010.

(2) If no crack is found during any inspection required in paragraph (f)(1) of this AD, before further flight, you must comply with the following conditions until the Repair Instructions in GROB Aircraft AG Repair Instruction No. RI–1121–018, dated May 18, 2010, are done:

(i) Reduction of the airplane's maximum flap deflection to the "TAKE-OFF" position and reduction of the maximum flaps extended speed V_{FE} to 114 knots indicated airspeed (KIAS);

(ii) Modification of the placard part number (P/N) 120A–7000.113E to show reduced flap deflection of "TAKE-OFF" position and maximum flaps extended speed V_{FE} of 114 KIAS, and

(iii) Insertion into the limitations section of the airplane flight manual and/or pilots operating handbook an amendment showing that the Temporary Maximum Flap Position is TAKE-OFF and the Maximum Flap Extended Speed is 114 KIAS.

(3) If no crack is found during any inspection required in paragraph (f)(1) of this AD, within the next 12 months after the effective date of this AD, modify the LH and RH flap ribs following GROB Aircraft AG Repair Instruction No. RI–1121–018, dated May 18, 2010 and GROB Aircraft AG Service Bulletin No.: ASB1121–113/1, Accomplishment Instructions, PART B, dated May 18, 2010.

(4) If a crack is found during any inspection required in paragraph (f)(1) of this AD, before further flight, repair the applicable flap rib(s) following GROB Aircraft AG Repair Instruction No. RI–1121–017, dated April 1, 2010; GROB Aircraft AG Repair Instruction No. RI–1121–018, dated May 18, 2010; and GROB Aircraft AG Service Bulletin No.: ASB1121–113/1, Accomplishment Instructions, PART B, dated May 18, 2010.

(g) You may at any time complete GROB Aircraft AG Repair Instruction No. RI–1121–017, dated April 1, 2010, and GROB Aircraft AG Service Bulletin No. ASB1121–113/1,

Accomplishment Instructions, PART B, dated May 18, 2010, to terminate the repetitive inspection required in paragraph (f)(1) of this AD, and to terminate the conditions required by paragraphs (f)(2) of this AD. This repair must be done before further flight if cracks are found as required in paragraph (f)(4) of this AD.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: The MCAI allows flight with known cracks for up to 100 hours time-in-service. FAA policy is to not allow further flight with known cracks in critical structure. We require that if any cracks are found, before further flight, the crack must be repaired following the applicable GROB service information.

Other FAA AD Provisions

(h) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to *Attn:* Greg Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; *telephone:* (816) 329–4130; *fax:* (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(i) Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2010–0140, dated July 2, 2010; GROB Aircraft AG Repair Instruction No. RI–1121–017, dated April 1, 2010; GROB Aircraft AG Repair Instruction No. RI–1121–018, dated May 18, 2010; and GROB Aircraft AG Service Bulletin No.: ASB1121–113/1, dated May 18, 2010, for related information.

Material Incorporated by Reference

(j) You must use GROB Aircraft AG Repair Instruction No. RI–1121–017, dated April 1, 2010; GROB Aircraft AG Repair Instruction No. RI–1121–018, dated May 18, 2010; and GROB Aircraft AG Service Bulletin No.: ASB1121–113/1, dated May 18, 2010, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact GROB Aircraft AG, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Germany; *telephone:* +49 (0) 8268–998–0; *fax:* +49 (0) 8268–998–200; e-mail *productsupport@grob-aircraft.com;* Internet: *http://www.grob-aircraft.eu/service-and-support/g-120/documentation/service-bulletins.html.*

(3) You may review copies of the service information incorporated by reference for this AD at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the Central Region, call (816) 329–3768.

(4) You may also review copies of the service information incorporated by reference for this AD at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on September 14, 2010.

William J. Timberlake,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–23377 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–0715; Directorate Identifier 2008–NM–211–AD; Amendment 39–16432; AD 2010–19–04]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

It has been found the occurrence of corrosion on the Auxiliary Power Unit (APU) mounting rods that could cause the APU rod to break, affecting the APU support structure integrity.

* * * * *

APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective October 27, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2010.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on August 19, 2009 (74 FR 41805). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been found the occurrence of corrosion on the Auxiliary Power Unit (APU) mounting rods that could cause the APU rod to break, affecting the APU support structure integrity.

* * * * *

APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane. The required action is doing an external detailed inspection for corrosion of the APU auxiliary and center mounting rods and rod ends, and corrective actions if necessary. Corrective actions include removing corrosion, applying anticorrosive treatment, and replacing mounting rods. You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Revise the Unsafe Condition Specified in Paragraph (e) of the NPRM

EMBRAER states that the undetectable fire condition described in the NPRM is not verifiable since two events must happen for APU rod breakage to occur.

EMBRAER states that the first event is a fire, because the rod breakage by itself is not enough to promote sparks or overheating of any kind. EMBRAER also states that the rod breakage has not been shown to cause leakage of APU oil in the gearbox or leakage of the fuel lines in the compartment. EMBRAER states both ignition sources and flammable fluids would be required to ignite a fire.

EMBRAER states that for the second event to occur, a fire must start due to the unforeseeable scenario described previously, at which time damage to the fire detector, located in the vicinity of the combustion chamber and accessory gearbox, could occur. EMBRAER states that in-service experience demonstrates that the fire detector must be punctured or extensively crushed for it to lose its capability to detect a fire.

From these statements we infer that EMBRAER requests that we revise paragraph (e) of the NPRM to clarify the unsafe condition. We agree with the scenarios EMBRAER has described previously in regards to an undetected fire occurring in the tail cone of the airplane. Therefore, we have changed the Summary section and paragraph (e) of this AD to state, "APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane."

Request To Extend the Proposed Initial Compliance Time

EMBRAER states that the European Aviation Safety Agency (EASA) and the Agência Nacional de Aviação Civil (ANAC) fleets have accomplished their respective ADs. EMBRAER states that not one APU rod was removed due to moderate or heavy corrosion, with the exception of one event of corrosion reported at the rod terminal. EMBRAER also states that there is no evidence that Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes are prone to the corrosion event.

EMBRAER states that with the considerations stated previously, meaning lack of real fire in the compartment, and lack of evidence or reports of corrosion spreading in the current Model EMB 120 fleet, the initial compliance time of 500 flight hours or 2 months after the effective date of the AD is too conservative. EMBRAER states that this leads to extensive burden and labor costs on operators, and does not lead to a real increased margin of safety levels related to this issue. EMBRAER states that, according to Brazilian Airworthiness Directive 2008–08–01, dated October 21, 2008; and EMBRAER Service Bulletin 120–49–0023, Revision 01, dated June 30, 2008; an adequate approach could be taken within 1,500 flight hours or 6 months from the effective date of the AD, whichever occurs first.

We infer that EMBRAER requests that we extend the proposed compliance time specified in the NPRM. We agree with the commenter's request. Since the NPRM has been published, we have determined that the compliance time can be extended as the inspection reports received provided sufficient technical information to do so. We have revised the initial compliance time in paragraph (f)(1) of this AD from 500 flight hours or 2 months after the effective date of this AD to 1,500 flight hours or 6 months (whichever occurs first) after the effective date of this AD. The revised compliance time correlates with Brazilian Airworthiness Directive 2008–08–01, dated October 21, 2008.

Request To Eliminate Repetitive Detailed Inspections

EMBRAER states that the repetitive inspection interval currently required by the maintenance review board (MRB) report for C–Checks (4,000 flight cycles) states:

> Zonal Inspection Task 313–01Z Tail Cone Fairing (APU installed). Inspection of the APU mounting structure for condition, security of installation or chafing.

EMBRAER states that these findings demonstrate that the inspection interval in the MRB report is adequate. EMBRAER also states that few APU rods are reportedly replaced over time, apart from this proposed AD, demonstrating the MRB task is effective for the repetitive inspections. EMBRAER states that the repetitive detailed inspections in the NPRM are more restrictive than the general visual inspection specified in the MRB report.

Ameriflight, LLC, states that the repetitive inspection interval of "not to exceed 1,500 flight hours or 6 months, whichever occurs first," is adding an additional inspection item outside the scope of the EMBRAER EMB120 MRB. Ameriflight, LLC, states that due to the fact that all of the corrosion control and corrosion prevention items contained in the MRB report are calendar driven, it would seem relevant to have the repetitive APU mounting rod corrosion inspection interval come due at a calendar limit rather than on an hourly basis. Ameriflight, LLC, also states that the MRB report contains a 12-month inspection for the airplane, and that the repetitive inspection of the APU mounting rods should be completed at a 12-month interval so it could be completed during the normal inspection cycle contained in the MRB report.

From these statements, we infer that EMBRAER and Ameriflight, LLC, believe that the repetitive detailed inspections specified in the NPRM are more restrictive than the repetitive inspections in the MRB report, and that Ameriflight, LLC, believes that the repetitive inspections could be completed during the same inspection cycle specified in the MRB report.

We agree with EMBRAER and Ameriflight, LLC, that the repetitive detailed inspection proposed in the NPRM is more conservative than the inspection in the MRB report. Since the NPRM was published, we have determined that the proposed repetitive inspections are no longer necessary as the inspection reports received provided sufficient technical information to remove the requirement. Therefore, the repetitive inspections have been removed from this AD.

Request To Extend the Compliance Time for the Reporting Requirement

EMBRAER states that the EASA and ANAC ADs were issued in advance of this proposed NPRM. EMBRAER also states that the current status of U.S. operators that have proactively started inspecting their fleets is 46 percent of the total fleet, meaning nearly 50 airplanes have already been inspected. EMBRAER states that since the proposed compliance time for the initial inspection specified in the NPRM is 500 flight hours, with the current average of 100 flight hours per month fleet usage, it would take more than 5 months to complete the first inspection. EMBRAER states that, since the results remain unchanged with time, it is recommended that the 30-day reporting requirement be extended to 120 days minimum, reducing the unnecessary labor burden and processing for the operators.

We disagree with extending the compliance time for submitting the inspection results. We also disagree that the report is an undue burden to the operator. A reporting requirement is instrumental in ensuring that we can gather as much information as possible regarding the extent and nature of the problem, especially when findings of corrosion are involved and in cases where those data might not be available through other established means. This information is necessary to ensure that

proper corrective action will be taken. We have not changed this AD regarding this issue.

Removal of Reporting Requirement for Light Corrosion

Since the NPRM was issued, we have received sufficient technical information to remove the reporting requirement for light corrosion only (characterized by discoloration or pitting). We have revised paragraph (f)(3) of this AD to remove light corrosion from the reporting requirement of this AD. In addition, EMBRAER has provided us with an e-mail address for submission of reports. We have added that e-mail address to paragraph (f)(3) of this AD.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Explanation of Changes to Costs of Compliance

Since issuance of the NPRM, we have increased the labor rate used in the Costs of Compliance from $80 per work-hour to $85 per work-hour. The Costs of Compliance information, below, reflects this increase in the specified hourly labor rate.

Costs of Compliance

We estimate that this AD will affect 90 products of U.S. registry. We also estimate that it will take about 8 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $61,200, or $680 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2010–19–04 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–16432. Docket No. FAA–2009–0715; Directorate Identifier 2008–NM–211–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 27, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes, certified in any category; as identified in EMBRAER Service Bulletin 120–49–0023, Revision 01, dated June 30, 2008.

Subject

(d) Air Transport Association (ATA) of America Code 49: Airborne Auxiliary Power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

It has been found the occurrence of corrosion on the Auxiliary Power Unit (APU) mounting rods that could cause the APU rod to break, affecting the APU support structure integrity.

APU support structure failure could result in loss of power of the APU and possible loss of control of the airplane. The required action is doing an external detailed inspection for corrosion of the APU auxiliary and center mounting rods and rod ends, and corrective actions if necessary. Corrective actions include removing corrosion, applying anticorrosive treatment, and replacing mounting rods.

Actions and Compliance

(f) Unless already done do the following actions:

(1) Within 1,500 flight hours or 6 months after the effective date of this AD, whichever occurs first, do an external detailed inspection for corrosion of the APU, auxiliary

and center mounting rods, and rod ends. If any corrosion is found during any inspection, before further flight, do the actions required by paragraphs (f)(1)(i), (f)(1)(ii), and (f)(1)(iii) of this AD, as applicable. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120–49–0023, Revision 01, dated June 30, 2008.

(i) If light corrosion (characterized by discoloration or pitting) is found on a mounting rod, remove the corrosion and apply an anticorrosive treatment.

(ii) If moderate corrosion (characterized by surface blistering or evidence of scaling and flaking), or heavy corrosion (characterized by severe blistering exfoliation, scaling and flaking) is found, replace the affected mounting rod with a new mounting rod having the same part number.

(iii) If any corrosion is detected on the rod ends, remove the corrosion and apply an anticorrosive treatment.

(2) Accomplishing of the inspection and corrective actions required by paragraph (f)(1) of this AD before the effective date of this AD in accordance with EMBRAER Service Bulletin 120–49–0023, dated April 18, 2008, is acceptable for compliance with the corresponding requirements of paragraph (f)(1) of this AD.

(3) For mounting rods with moderate or heavy corrosion, submit a report of the positive findings (including level of corrosion such as moderate or heavy; guidance on corrosion can be found in Chapter 51–11–01 of the EMBRAER Corrosion Prevention Manual) of the inspection required by paragraph (f)(1) of this AD to Mr. Antonio Claret—Customer Support Group, Embraer Aircraft Holding, Inc, 276 S.W 34th Street Fort Lauderdale, FL 33315—USA; telephone (954) 359–3826; e-mail *structure@embraer.com.br;* at the applicable time specified in paragraph (f)(3)(i) or (f)(3)(ii) of this AD. The report must include the inspection results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane.

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

(ii) If the inspection was accomplished prior to the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows:

(1) Although Brazilian Airworthiness Directive 2008–08–01, dated October 21, 2008, does not include a reporting requirement, the service bulletin identified in paragraph (f)(1) of this AD does specify reporting findings to EMBRAER. This AD requires that operators report the results of the inspections to EMBRAER because the required inspection report will help determine the extent of the corrosion in the affected fleet, from which we will determine if further corrective action is warranted. This difference has been coordinated with ANAC.

(2) Brazilian Airworthiness Directive 2008–08–01, dated October 21, 2008, allows replacement of the affected APU mounting rods by "new ones bearing a new P/N [part number] approved by ANAC [Agência Nacional de Aviação Civil]." However, paragraph (f)(1)(ii) of this AD requires replacing the affected mounting rod only with a new mounting rod having the same part number. Operators may request approval of an alternative method of compliance to install a new part number in accordance with the procedures specified in paragraph (g)(1) of this AD. This difference has been coordinated with ANAC.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

(4) *Special Flight Permits:* Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), except if two or more center mounting rods or rod ends are heavily corroded or broken, a special flight permit is not permitted.

Related Information

(h) Refer to MCAI Brazilian Airworthiness Directive 2008–08–01, dated October 21, 2008; and EMBRAER Service Bulletin 120–49–0023, Revision 01, dated June 30, 2008; for related information.

Material Incorporated by Reference

(i) You must use EMBRAER Service Bulletin 120–49–0023, Revision 01, dated June 30, 2008, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170–Putim–12227–901 São Jose dos Campos–SP–BRASIL; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; e-mail *distrib@embraer.com.br*; Internet *http://www.flyembraer.com.*

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

(4) You may also review copies of the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on August 30, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–22849 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2009–0925; FRL–9204–7]

RIN 2060–AQ02

Mandatory Reporting of Greenhouse Gases

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action amends the Final Mandatory Reporting of Greenhouse Gases Rule to require reporters subject to the rule to provide: The name, address, and percentage ownership of their U.S. parent company(s); their primary North American Industry Classification System code(s) as well as all additional applicable North American Industry Classification System code(s); and an indication of whether or not any of their reported emissions are from a cogeneration unit. This final action also corrects an editorial error in revisions made to the General Provisions published earlier this year.

DATES: The final rule is effective on November 22, 2010.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2009–0925. 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 EPA's Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For technical information and implementation materials, please go to the Web site *http://www.epa.gov/climatechange/emissions/ghgrulemaking.html.* To submit a question, select Rule Help Center, followed by Contact Us. You may also contact Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC–6207J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9263; fax number: (202) 343–2342; e-mail address: *GHGMRR@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* This amendment to 40 CFR part 98 affects facilities that are direct emitters of GHGs, and suppliers of fuels and industrial gases that are already subject to the rule. Regulated categories and entities include those listed in Table 1 of this preamble.

TABLE 1—EXAMPLES OF REGULATED ENTITIES BY CATEGORY

Category	NAICS Code	Examples of regulated entities
General Stationary Fuel Combustion Sources.	.....	Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines:
	211	Extractors of crude petroleum and natural gas.
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational services.
	325193	Ethyl alcohol manufacturing facilities.
Electricity Generation	221112	Fossil-fuel fired electric generating units, including units owned by Federal and municipal governments and units located in Indian Country.
Adipic Acid Production	325199	Adipic acid manufacturing facilities.
Aluminum Production	331312	Primary Aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous and aqueous ammonia manufacturing facilities.
Cement Production	327310	Portland Cement manufacturing plants.
Ferroalloy Production	331112	Ferroalloys manufacturing facilities.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
HCFC–22 Production and HFC–23 Destruction.	325120	Chlorodifluoromethane manufacturing facilities.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Iron and Steel Production	331111	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace shops.
Lead Production	331419	Primary lead smelting and refining facilities.
.....	331492	Secondary lead smelting and refining facilities.
Lime Production	327410	Calcium oxide, calcium hydroxide, dolomitic hydrates manufacturing facilities.
Magnesium Production	331419	Primary refiners of nonferrous metals by electrolytic methods.
	331492	Secondary magnesium processing plants.
Nitric Acid Production	325311	Nitric acid manufacturing facilities.
Petrochemical Production	32511	Ethylene dichloride manufacturing facilities.
	325199	Acrylonitrile, ethylene oxide, methanol manufacturing facilities.
	325110	Ethylene manufacturing facilities.
	325182	Carbon black manufacturing facilities.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphoric acid manufacturing facilities.
Pulp and Paper Manufacturing	322110	Pulp mills.
	322121	Paper mills.
	322130	Paperboard mills.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing facilities.
Soda Ash Manufacturing	325181	Alkalies and chlorine manufacturing facilities.
	212391	Soda ash, natural, mining and/or beneficiation.
Titanium Dioxide Production	325188	Titanium dioxide manufacturing facilities.
Underground Coal Mines	212113	Underground anthracite coal mining operations.
	212112	Underground bituminous coal mining operations.

TABLE 1—EXAMPLES OF REGULATED ENTITIES BY CATEGORY—Continued

Category	NAICS Code	Examples of regulated entities
Zinc Production	331419	Primary zinc refining facilities.
	331492	Zinc dust reclaiming facilities, recovering from scrap and/or alloying purchased metals.
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Industrial Waste Landfills	562212	Solid waste landfills.
	322110	Pulp mills.
	322121	Paper mills.
	322122	Newsprint mills.
	322130	Paperboard mills.
	311611	Meat processing facilities.
	311411	Frozen fruit, juice, and vegetable manufacturing facilities.
	311421	Fruit and vegetable canning facilities.
	221320	Sewage treatment facilities.
Industrial Wastewater Treatment	562212	Solid waste landfills.
	322110	Pulp mills.
	322121	Paper mills.
	322122	Newsprint mills.
	322130	Paperboard mills.
	311611	Meat processing facilities.
	311411	Frozen fruit, juice, and vegetable manufacturing facilities.
	311421	Fruit and vegetable canning facilities.
	221320	Sewage treatment facilities.
	325193	Ethyl alcohol manufacturing facilities.
Manure Management [a]	112111	Beef cattle feedlots.
	112120	Dairy cattle and milk production facilities.
	112210	Hog and pig farms.
	112310	Chicken egg production facilities.
	112330	Turkey Production.
	112320	Broilers and Other Meat type Chicken Production.
Suppliers of Coal Based Liquids Fuels	211111	Coal liquefaction at mine sites.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Suppliers of Natural Gas and NGLs	221210	Natural gas distribution facilities.
	211112	Natural gas liquid extraction facilities.
Suppliers of Industrial GHGs	325120	Industrial gas manufacturing facilities.
Suppliers of Carbon Dioxide (CO_2)	325120	Industrial gas manufacturing facilities.

[a] EPA will not be implementing subpart JJ of the Mandatory GHG Reporting Rule using funds provided in its FY2010 appropriations due to a Congressional restriction prohibiting the expenditure of funds for this purpose.

Table 1 of this preamble is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Table 1 of this preamble lists the types of entities that may be reporting under 40 CFR part 98 and, therefore, may be affected by this action. However, other types of entities not listed in the table could also be subject to reporting requirements. To determine whether an entity is affected by this action, you should carefully examine the applicability criteria found in 40 CFR part 98, subpart A. EPA has also proposed reporting requirements for several other source categories (rule subparts). If these subparts are finalized, entities subject to them would be also subject to this action starting with their first reports. The following subparts have been proposed, but not yet finalized, by EPA:

- 40 CFR part 98, subpart I (Electronics Manufacturing) (75 FR 18652, April 12, 2010);
- 40 CFR part 98, subpart L (Fluorinated Gas Production) (75 FR 18652, April 12, 2010);
- 40 CFR part 98, subpart W (Petroleum and Natural Gas Systems) (75 FR 18608, April 12, 2010);
- 40 CFR part 98, subpart DD (Electric Transmission and Distribution Equipment Use) (75 FR 18652, April 12, 2010);
- 40 CFR part 98, subpart QQ (Imports and Exports of Fluorinated GHGs Inside Pre-charged Equipment and Closed-cell Foams (75 FR 18652, April 12, 2010);
- 40 CFR part 98, subpart RR (Injection and Geologic Sequestration of Carbon Dioxide (75 FR 18576, April 12, 2010); and
- 40 CFR part 98, subpart SS (Electrical Equipment Manufacture or Refurbishment) (75 FR 18652, April 12, 2010).

If you have questions regarding the applicability of this action to a particular entity, consult the Web site or the person listed in the preceding **FOR FURTHER GENERAL INFORMATION CONTACT** section.

Judicial Review

Under section 307(b)(1) of the 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 November 22, 2010. Note, under CAA section 307(b)(2), 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.

Acronyms and Abbreviations

The following acronyms and abbreviations are used in this document:

CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CO_2 carbon dioxide
CO_2e CO_2-equivalent
CUSIP Committee on Uniform Security Identification Procedures
DUNS Data Universal Numbering System
EIA Economic Impact Analysis
EO Executive Order

EPA U.S. Environmental Protection Agency
FEIN Federal Employer Identification Numbers
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
ICR Information Collection Request
LDC Local Distribution Company
NAICS North American Industry Classification System
NTTAA National Technology Transfer and Advancement Act of 1995
OMB Office of Management and Budget
SBREFA Small Business Regulatory Enforcement Fairness Act
SEC Securities and Exchange Commission
TRI Toxics Release Inventory
UMRA Unfunded Mandates Reform Act
U.S. United States

Table of Contents

I. Background
A. Background on the Final Rule
B. Summary of the Final Rule
C. Legal Authority
D. Relationship to Other Programs
II. The Final Rule and Reponses to Public Comments
A. U.S. Parent Company
B. NAICS Code(s)
C. Cogeneration
D. Frequency of Reporting
E. Applicability of the Reporting Requirements
F. Miscellaneous Public Comments and Responses
G. Correction to Subpart A
III. Economic Impacts of the Final Rule
A. How were compliance costs estimated?
B. What are the costs of the rule?
C. What are the economic impacts of the rule?
D. What are the impacts of the rule on small businesses?
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

I. Background

A. Background on the Final Rule

On April 12, 2010, EPA proposed this rule amending 40 CFR part 98, which provides the regulatory framework for the GHG Reporting Program (GHGRP).[1] The GHGRP requires the reporting of greenhouse gas (GHG) emissions and other relevant information from certain source categories in the United States (U.S). The GHGRP, which became effective December 29, 2009, includes reporting requirements for facilities that emit GHGs ("facilities") and for suppliers of fuels and industrial gases ("suppliers"). Facilities and suppliers that meet the applicability criteria in 40 CFR part 98, subpart A ("regulated entities" or "reporters") must submit annual GHG reports in accordance with the provisions in 40 CFR 98.3(c).[2] For more detailed background information on the GHGRP, *see* the preamble to the final rule that established the program (74 FR 56260, October 30, 2009).

This rule amends 40 CFR part 98 to include new requirements for reporters to provide information on their U.S. parent company(s), on their primary and additional applicable North American Industry Classification System (NAICS) code(s), and on whether any of their reported emissions are from a cogeneration unit (also called combined heat and power). Facilities and suppliers subject to 40 CFR part 98 must provide this additional information in their annual reports. This action also amends 40 CFR part 98, subpart A to correct a drafting error in the revisions to 40 CFR 98.2(a)(2) published on July 12, 2010 (75 FR 39758).

This preamble is divided into four sections. The first section of the preamble provides background and an overview of the final rule, discusses EPA's legal authority under the Clean Air Act (CAA) for collecting the additional information and summarizes the relationship between this information and the information already collected by other programs. The second section of the preamble describes the new reporting requirements finalized by this action, describes major changes since proposal, discusses public comments and EPA responses, and describes the revisions made to 40 CFR 98.2(a)(2) to correct the editorial error published on July 12, 2010. The third section of the preamble provides a summary of the impacts and costs of the final rule and discusses comments on the regulatory impacts analyses. The fourth and final section of the preamble discusses the various statutory and executive order requirements applicable to the final rule.

B. Summary of the Final Rule

This action amends 40 CFR part 98 by adding several data elements to the list specified in 40 CFR 98.3. These data elements must be included in the annual GHG reports that facilities and suppliers subject to 40 CFR part 98 are required to submit. Specifically, this rule requires each reporter to (1) Provide the names and physical addresses of all of its U.S. parent companies and their respective percentages of ownership; (2) provide its primary NAICS code(s) and all additional applicable NAICS code(s); and (3) indicate whether any of its reported emissions are from a cogeneration unit located at the facility.

This rule applies to all facilities and suppliers required to report under 40 CFR part 98, including those covered by subparts published on October 30, 2009 (74 FR 56260) and on July 12, 2010 (75 FR 39736).[3] Therefore, all facilities and suppliers that meet the applicability criteria in 40 CFR part 98, subpart A are required to report the additional data elements included in this rule.[4]

C. Legal Authority

EPA is finalizing this rule under the existing authority provided in CAA section 114. As noted in the preamble to the Final Rule for Mandatory Reporting of GHGs (Part 98), CAA section 114 provides EPA with broad authority to require the information mandated by this final rule because such information will inform EPA's implementation of various CAA provisions (74 FR 66264). Under CAA section 114(a)(1), the Administrator may require emission sources, persons subject to the CAA, manufacturers of emission control or process equipment, or persons whom the Administrator believes may have necessary information, to monitor and report emissions and to provide such other information as the Administrator requests for the purposes of carrying out any provision of the CAA (except for a provision of title II with respect to motor vehicles).

As discussed in greater detail in Sections I.C and II.Q of the preamble to the final Part 98 rule and in the response to comments for 40 CFR part 98,[5] EPA may gather information for a

[1] GHGRP refers to the implementation of 40 CFR part 98.

[2] Because mobile sources are not covered under 40 CFR part 98, this rule does not apply to them.

[3] If additional categories are finalized in 40 CFR part 98, then this rule applies to those categories as well.

[4] EPA will not be implementing subpart JJ of the Mandatory GHG Reporting Rule using funds provided in its FY2010 appropriations due to a Congressional restriction prohibiting the expenditure of funds for this purpose.

[5] Responses to major comments can be found in the preamble to the final Part 98 (74 FR 56260). Responses to additional comments can be found in

variety of purposes, including for the purpose of assisting in the development of emissions standards under CAA section 111, determining compliance with implementation plans or standards, or more broadly for "carrying out any provision" of the CAA.

In particular, CAA section 103 authorizes EPA to establish a national research and development program, including nonregulatory approaches and technologies, for the prevention and control of air pollution, including GHGs. The data collected under this final rule would be immediately available to EPA and could inform EPA's implementation of CAA section 103(g) regarding improvements in sector-based nonregulatory strategies and technologies for preventing or reducing air pollutants.

The data collected through this final rule would be immediately available to EPA and could be used for the purposes of providing additional information to support more effective research and develop actions to address GHG emissions. For example, corporate parent and NAICS data would assist EPA in developing and improving emission inventories, as well as characterizing emissions data in several different ways. A more detailed understanding of the sources and operational categories of GHG emissions could lead to improvements in air pollution emissions information that is relied upon to develop effective control strategies. For example, EPA could use the NAICS code information gathered by this rule to compare results both within industries and across industry sectors.

Finally, the information gathered through this rule will be immediately available to enhance EPA's implementation of various nonregulatory programs aimed at encouraging voluntary reductions of GHG emissions. Under the authority of CAA section 103, EPA has launched a variety of nonregulatory programs aimed at reducing emissions of GHGs.[6] The additional data will assist EPA by providing more detailed information on possible sources, and facility operations within industrial sectors for EPA to work with in the context of these programs.

Given the broad scope of CAA section 114, it is appropriate for EPA to gather the information required by this final rule because such information is relevant to EPA's implementation of a wide variety of CAA provisions and the burden of submitting such information is low.

D. Relationship to Other Programs

EPA investigated other Federal and non-Federal reporting programs that collect information similar to the information that EPA will collect under this rule to determine if any existing sources of information met all EPA's objectives. These objectives included: Identifying each reporter's highest-level U.S. parent company(s); identifying each reporter's primary and any additional applicable NAICS codes; identifying facilities using cogeneration; covering all reporters subject to 40 CFR part 98; collecting data annually; and having the information available to EPA. This section of the preamble summarizes EPA's findings from our review of other programs. For additional information on reporting requirements for these data elements in existing Federal and non-Federal programs, please *see* Section I.D of the proposal preamble (75 FR 18455, April 12, 2010) and the following memoranda "Review of Non-Federal Existing Greenhouse Gas Reporting Programs Requiring Reporting of Parent Company Ownership" and "Summary of Existing State Greenhouse Gas Reporting Programs" located in Docket EPA–HQ–OAR–2009–0925.

1. EPA and Other Federal Data Collection Programs

Federal voluntary programs, such as Climate Leaders and U.S. Department of Energy's Voluntary Reporting of Greenhouse Gases Program, collect some data elements (such as data related to NAICS codes) that are similar to the data that EPA will collect under this rule. However, none of the voluntary programs collect data from all of the facilities and suppliers subject to 40 CFR part 98. In addition, the voluntary programs that collect these data do not use the same definitions for data elements.

U.S. Parent Company:

Currently, three EPA programs collect parent company information: The Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act; Risk Management Plans under CAA section 212(r); and the Inventory Update Rule under the Toxic Substances Control Act (TSCA). Of these three programs, TRI is the only one that requires reporters to submit information on their highest-level U.S. parent company.[7] TRI requires reporters to report the name of their one parent company with the largest ownership interest in the facility. TRI also requires the parent company's Dun & Bradstreet Data Universal Numbering System (DUNS)[8] identifier to be reported annually. This amendment to 40 CFR part 98 differs from TRI parent company reporting requirements in that it requires reporting of: (1) All parent companies, rather than just one parent company; (2) the physical address of each parent company, but not the DUNS identifier; and (3) the percentage of ownership interest for each parent company. EPA estimates that approximately two-thirds of the reporters subject to 40 CFR part 98 are also required to report to TRI.

Several EPA programs under the CAA, including the GHGRP,[9] require reporters to identify the "owner or operator" of each affected facility. Although in some cases, the owner or operator is also the highest-level U.S. parent company, the information currently collected under the majority of CAA programs is not designed to specifically identify the highest-level U.S. parent company, because that information is not necessary to determine compliance with particular regulatory requirements.

Primary and Other NAICS Codes:

The final rule also requires facilities and suppliers reporting under 40 CFR part 98 to report their primary and all additional applicable NAICS codes.[10] In the large majority of cases, facilities and suppliers will submit a single NAICS

volumes 1 through 42 of the response to comments document entitled "Mandatory Greenhouse Gas Reporting Rule: EPA's Response to Public Comments" in docket EPA–HQ–OAR–2008–0508 (*see http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OAR-2008-0508*).

[6] For example, Climate Leaders, Combined Heat and Power Partnership, and Energy Star.

[7] For purposes of TRI reporting, a reporter's parent company is defined as the highest-level company located in the U.S. that directly owns at least 50 percent of the voting stock of the company. When a facility is owned by more than one company and none of the owners directly owns 50 percent or more of the voting stock, the facility reports the name of either the facility operator or the owner with the largest ownership interest in the facility as its U.S. parent company. (Toxic Chemical Release Inventory Reporting Forms and Instructions, EPA 260–R–09–006, October 2009. page 34).

[8] The Data Universal Numbering System (DUNS) is a unique 9-digit numerical identifier used to identify individual business entities in databases maintained by Dun & Bradstreet.

[9] GHGRP refers to the implementation of 40 CFR part 98.

[10] North American Industry Classification System (NAICS) code(s) are defined as the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility or supplier as listed in the **Federal Register** and defined in "North American Industrial Classification System Manual 2007," available from the U.S. Department of Commerce, National Technical Information Service. A reporter's primary NAICS code is the NAICS code that most accurately describes the reporter's primary product/activity/service based on revenue. Additional NAICS codes describe the product(s)/activity(s)/service(s) at the facility that are not related to the principal source of revenue.

code. However, infrequently a facility/supplier may have two distinct products/activities/services providing comparable revenue. In these cases the facility/supplier may also report a second primary NAICS code. Among all EPA programs, only TRI requires reporters to submit primary NAICS codes as well as other relevant NAICS codes. As noted above, EPA estimates that approximately two-thirds of the reporters required to report under the GHGRP are also required to report to TRI.

EPA collects some NAICS code information through routine compliance reporting in multiple programs,[11] but those programs either do not require primary and other NAICS codes be designated as such, or they do not define a primary NAICS code as it is defined in this rule. In addition, none of the compliance databases provide complete coverage of the facilities and suppliers subject to 40 CFR part 98.

Cogeneration:

There are currently no EPA programs that require facilities or suppliers to identify and report the use of cogeneration units located at the facility. EPA's Combined Heat and Power Partnership, a voluntary program, requires that partners agree to provide data on existing cogeneration projects to help EPA determine climate benefits.[12] However, this is a voluntary program and does not provide coverage of all cogeneration units. The Energy Information Administration collects information on cogeneration from utility and non-utility power generators greater than 1 megawatt,[13] but does not collect this information from all facilities and suppliers subject to 40 CFR part 98.

2. Non-Federal Data Collection Programs

EPA reviewed State and other reporting initiatives or protocols to determine whether they contain information on U.S. parent companies, NAICS code(s), or cogeneration that is comparable in terms of coverage (of facilities and suppliers), and whether the specific information collected is comparable in data quality and timeliness to that required under this rule. EPA also considered whether the Agency had access to and could itself release the data collected under these programs.

In general, the State and voluntary initiatives do not collect information on U.S. parent company, NAICS code(s), or cogeneration that is comparable to that required under this final rule regarding coverage (of facilities and suppliers), specific information collected, and data quality and timeliness. For additional information on the collection of parent company, NAICS codes, and cogeneration information by States, and other programs or initiatives, please *see* Section I.D. of the proposal preamble (75 FR 18455) and the following memoranda "Review of Non-Federal Existing Greenhouse Gas Reporting Programs Requiring Reporting of Parent Company Ownership" and "Summary of Existing State Greenhouse Gas Reporting Programs," located in Docket EPA–HQ–OAR–2009–0925.

II. The Final Rule and Reponses to Public Comments

This section of the preamble explains the requirements for the final rule, describes the major changes to the proposed rule, and summarizes the public comments and responses.

A. U.S. Parent Company

In the proposed rule published on April 12, 2010 (75 FR 18455), EPA defined United States parent company(s) as the highest-level United States company(s) with an ownership interest in the reporting entity as of December 31 of the reporting year. Although the proposed rule language included the requirements for only one option, EPA proposed two options in the preamble for reporting U.S. parent company information. As proposed, Option 1 would require all facilities and suppliers subject to 40 CFR part 98 to provide the legal name and physical address of their highest-level U.S. parent company. Reporters would then select the appropriate ownership status from a list of three types of ownership:

"Single ownership" for entities owned by a single company that is itself not owned by another company.

"Wholly owned" for entities owned by a single company that is itself owned by another company.

"Multiple ownership" for entities owned by more than one company).

Alternatively, in the proposed Option 2, reporters would provide the names and physical addresses of all of their U.S. parent companies and their respective percentages of ownership.

1. Summary of U.S. Parent Company Reporting Requirements

After considering all the comments received, EPA has selected Option 2. Option 2 requires reporters to report the name(s) and physical address(es) of all of their U.S. parent companies and their respective percentages of ownership. For the final rule, EPA has defined U.S. parent company(s) as highest-level U.S. company(s) with an ownership interest in the reporting entity as of December 31 of the year for which data are being reported. The physical address of a U.S. parent company is defined as the street address, city, state and zip code of the U.S. parent company's physical location. Table 2 of this preamble provides instructions for how facilities or suppliers should report based on various ownership structures.

TABLE 2—INSTRUCTIONS FOR REPORTING U.S. PARENT COMPANY(IES)

Reporting scenario	How to report U.S. parent company
The reporting entity is entirely owned by a single U.S. company that is not owned by any other company (*e.g.,* it is not a subsidiary or division of another company).	Provide that company's legal name and physical address as the U.S. parent company and report 100 percent ownership.
The reporting entity is entirely owned by a single U.S. company which is, itself, owned by another company (*e.g.,* it is a division or subsidiary of a higher-level company).	Provide the legal name and physical address of the highest-level company in the ownership hierarchy as the U.S. parent company and report 100 percent ownership.
The reporting entity is owned by more than one U.S. company (*e.g.,* company A owns 40 percent, company B owns 35 percent, and company C owns 25 percent).	Provide the legal names and physical addresses of all of the highest-level companies with an ownership interest as U.S. parent companies, and report the percent ownership of each company.

[11] List of Programs Collecting NAICS: AIR Facility System (AFS); Facility Response Plan (FRP); Integrated Compliance Information System (ICIS); National Emissions Inventory (NEI); National Pollutant Discharge Elimination System (NPDES); Resource Conservation and Recovery Act Information (RCRAInfo); Risk Management Plan (RMP); and Toxics Release Inventory System (TRIS).

[12] *http://www.epa.gov/chp.*

[13] Energy Information Agency-860, Annual Electric Generator Report *http://www.eia.doe.gov/cneaf/electricity/page/eia860.html* and, Energy Information Agency-861, Annual Electric Power Industry Report *http://www.eia.doe.gov/cneaf/electricity/page/eia861.html.*

TABLE 2—INSTRUCTIONS FOR REPORTING U.S. PARENT COMPANY(IES)—Continued

Reporting scenario	How to report U.S. parent company
The reporting entity is entirely owned by a foreign company	Provide the legal name and physical address of the foreign company's highest-level company based in the U.S. as the U.S. parent company and report 100 percent ownership.
The reporting entity is partially owned by a foreign company and partially owned by one or more U.S. companies.	Provide the legal name and physical address of the foreign entity's highest-level company based in the U.S., along with the legal names and physical addresses of the other U.S. parent companies, and report the percent ownership of each company.
The reporting entity is owned by a joint venture or cooperative	The joint venture or cooperative is its own U.S. parent company. Provide the joint venture or cooperative's legal name and physical address as the U.S. parent company and report 100 percent ownership.
The reporting entity is a federally owned facility	Enter U.S. Government, and do not report physical address or percent ownership.[14]

2. Summary of Major Changes Since Proposal

There are no major changes to the proposed rule for U.S. parent company reporting requirements for Option 2. That option requires facilities to report the name(s) and physical address(es) of all of their U.S. parent companies and their respective percentages of ownership. The rationale for the selection of Option 2 can be found in Section II.A.3 of this preamble.

3. Summary of Public Comments and Responses

This section provides a summary of the comments and responses on EPA's proposal to require reporting of U.S. parent company and ownership information. Also summarized in this section are public comments and responses on EPA's consideration of reporting numeric identifiers for parent companies, in addition to parent company names.

General Comments on Reporting of U.S. Parent Company and Ownership Information:

Comments: One commenter noted that collecting corporate identifier information only from those facilities that emit 25,000 metric tons or more of CO_2 per year would provide only a partial picture of a company's overall emissions, as some companies may own facilities with emissions below the 25,000 metric ton threshold. This same commenter suggested that EPA should encourage company-level data reporting and require companies to report the relative emissions of each of their facilities subject to the reporting rule as compared to total company emissions.

Response: Regarding the first issue, when EPA established the GHGRP last year, we completed a comprehensive threshold analysis and determined that a 25,000 metric ton threshold generally suited the needs of the Agency by providing comprehensive coverage of emissions with a reasonable number of reporters, thereby creating the robust data set necessary for the quantitative analyses of the range of likely GHG policies, programs and regulations. For additional background on thresholds, please *see* Section II.E. of the preamble of the final Part 98 (74 FR 56271, October 30, 2009). We did not reopen that decision in the April 12, 2010 proposal to add U.S. parent company, NAICS codes, and cogeneration as data elements to the annual report required under 40 CFR 98.3.

Regarding the second issue, EPA interprets the commenter's remarks to indicate that companies, rather than individual facilities, should report emissions. This issue was also addressed when EPA established the GHGRP and was not revisited in the April 12, 2010 proposal. As described in Section II.F of the preamble of the final Part 98, the Agency elected to require reporting at the facility level in 40 CFR part 98 because the purpose of this rule is to collect data from suppliers and from facilities with direct GHG emissions above selected thresholds for use in analyzing, developing, and implementing current and potential future CAA GHG policies and programs. Facility-level data are needed to support analyses of some types of potential GHG reduction programs, such as New Source Performance Standards. Corporate-level reporting was not selected because corporate reporting without facility-specific details would not provide sufficient data to assess many potential CAA GHG policies and programs. For additional discussion of the level of reporting, please *see* Section II.F of the preamble of the final Part 98 (74 FR 56273, October 30, 2009).

Moreover, as explained in the proposal and earlier in this preamble, EPA determined that reporting of all U.S. parent companies and their percent ownership will provide the Agency with necessary data to develop and improve emission inventories and to enhance EPA's implementation of various nonregulatory programs aimed at encouraging voluntary reductions of GHG emissions. Requiring individual facilities to report how their emissions compare to the total emissions of their parent companies would be burdensome, because it would require each facility to obtain information from all the other facilities (including those located overseas) owned by their parent company(ies) in order to make this type of comparison. EPA has concluded that the benefit of this information does not outweigh the additional burden to the regulated entity because the Agency and the public can compile similar information at a much lower burden by analyzing all GHG reports submitted by facilities with the same reported U.S. parent company. Furthermore, as stated above, the GHGRP is a facility and supplier level program designed to inform future programs and policies under the CAA. EPA does not consider a full corporate footprint analysis to be necessary to meet the goals of this program at this time.

Comment: A commenter from the offshore operations sector requested that EPA clearly define the parent company reporting requirements specific to offshore petroleum and natural gas facilities. In particular, the commenter noted that while the offshore facility itself may have a single or multiple owners, each development and/or production field associated with the facility may have multiple owners. The commenter added that this situation could complicate the determination of

[14] Federally owned facilities are not required to report percent ownership because all federally owned facilities are 100 percent owned by the Federal government. Additionally, the highest-level U.S. "parent" for federally owned facilities is the U.S. Government, and a physical address is not required to establish a unique identity for the U.S. Government.

percentage of ownership interest for each reporting entity.

Response: Reporting entities (facilities or suppliers) are required to report information on their own parent company or companies, as described in Table 2 of this preamble. Parent company reporting is limited to information on the parents of the reporting entity itself, and does not include parent company information on any associated entities or customers that are not part of the reporting entity. The facility definition for an offshore petroleum/natural gas operator in the proposed 40 CFR part 98, subpart W: Petroleum and Natural Gas Systems rulemaking (75 FR 18608, April 12, 2010) is limited to the offshore platform. Production fields and development fields that produce oil or gas sent to the platform are not considered part of the facility. Therefore, the facility reports the parent company or companies for the platform and secondary platform structures connected to the platform via walkways, storage tanks associated with the platform structure and floating production and offloading equipment, and does not include company information for any associated entities, such as production or development fields.

To further clarify, the rule language was modified to include the phrase, "of the reporting entity" in paragraph 98.3(c)(11), which requires that reporting entities report "Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the reporting entity and the percentage of ownership interest for each listed parent company as of December 31 of the year for which data are being reported * * *."

EPA understands that operations at facilities in the oil and natural gas sector can be complex with many partners working together to explore for, produce, process, transport, and distribute oil and natural gas products. Given the commenter's use of the term "owner", EPA clarifies here that requirements to identify the "owner" of an affected facility are different from the requirements to report U.S. parent company. For example, "owner" refers to the person or legal entity that owns the facility and its productive infrastructure. Under this final rule, U.S. parent company means the highest-level U.S. company(s) with an ownership interest in the reporting entity. A regulated entity may report "owner" differently than U.S. parent company in some cases. For example, a facility may report "owner" and U.S. parent company differently if the legal entity that owns the facility is a subsidiary to a U.S. parent company. A facility may also report "owner" and U.S. parent company differently if an individual with no company affiliation has an ownership interest in a facility, since "owner" covers persons while U.S. parent company does not.

Proposed Options 1 and 2:

Comments: EPA received comments supporting both options. Comments favoring Option 1 (*i.e.,* requiring reporting the legal name and physical address of the reporter's highest-level U.S. parent company with the largest ownership share and the selection of the ownership type that best describes the ownership structure for the reporter), noted that Option 1 is the less burdensome option and questioned whether the potential benefits of Option 2 outweighed the burden of collecting the information. Furthermore, the comments stated that complex ownership structures make it unlikely the person completing the form would be able to provide the information on all parent companies. The comments also noted that identifying the general corporate structure (as proposed in Option 1) should provide the information required by EPA and that submission of the name of the highest-level U.S. company with the largest ownership interest is consistent with TRI reporting requirements.

Commenters favoring Option 2 (*i.e.,* requiring reporting of the legal names, physical addresses and respective percent ownership of all companies with an ownership stake in the regulated entity), noted that Option 1 would overstate the GHG contribution of the largest ownership interest and omit the contribution of the smaller ownership interest(s). The commenters stated that this bias could limit the usefulness of the parent company data and that Option 2 provides a more complete picture of reporters' ownership, thereby providing greater transparency regarding corporate GHG emissions. Some commenters added that Option 2 would be more effective in terms of corporate accountability. In addition, commenters noted that Option 2 complements recent Securities and Exchange Commission (SEC) Interpretive Guidance on certain existing disclosure rules that requires public companies to disclose the impact that climate change or regulation related to climate change may have on their business. An industry commenter stated that reporters should not have difficulty completing the reporting under either option.

Response: After reviewing the comments received, EPA selected Option 2 because it provides more complete information on parent company ownership for reporters with multiple parent companies, thereby providing greater accuracy in aggregating emissions to the parent company level.

EPA acknowledges that there is a modest additional burden associated with Option 2 for those reporters with multiple owners and that Option 1 would be the lower cost Option.[15] The additional total national cost of Option 2 however, was estimated to be less than two percent greater than Option 1. The burden estimate for Option 2 incorporates the additional effort associated with reporters asking legal or management staff for information regarding complex ownership structure. Option 1 supporters neither offered supporting information or estimates of the additional burden nor refuted EPA's burden estimates. EPA concluded that the additional benefits of Option 2 compared to Option 1 outweigh the potential costs of collecting more comprehensive parent company information because the additional cost of Option 2 is minimal while the additional benefit is substantial.

Legal Authority to Collect Parent Company Information:

Comments: Two commenters questioned the need for EPA to collect parent company information. One commenter stated that company affiliation should not be used as a factor in policy development. The other commenter's primary objection was that EPA had been vague and non-specific in justifying collection of parent company information. The commenter stated that EPA's authority to collect information under CAA section 114 is limited by the requirements of the Paperwork Reduction Act (5 CFR 1320), under which EPA must demonstrate that the requested information has "practical utility." The commenter stated that EPA had not met the definition of "practical utility" in its justification for collecting parent company information. The commenter added that because practical utility is necessary for the Office of Management and Budget (OMB) to grant an Information Collection Request (ICR), EPA should not finalize this requirement until it has identified and solicited comment on a practical use.

Response: As explained in the Section I.C of this preamble, CAA section 114 is

[15] EPA's estimate of the burden of Option 1 versus Option 2 was presented in the Economic Impact Analysis for the proposed rule. An updated estimate of the burden associated with Option 2 was included in the Economic Impact Analysis for the final rule. These documents are available at *http://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2009–0925.

sufficiently broad for EPA to collect this information. Section 114 of the CAA generally authorizes EPA to gather information from any person who owns or operates an emissions source, who is subject to a requirement of the CAA, who manufacturers control or process equipment, or who the Administrator believes has information necessary for the purposes of CAA section 114(a). EPA may gather information for purposes of establishing implementation plans or emissions standards, determining compliance, or "carrying out any provision" of the CAA. For these reasons, the Administrator may request that a person, on a one-time, periodic or continuous basis, establish and maintain records, make reports, install and operate monitoring equipment and, among other things, provide such information the Administrator may reasonably require. This language has been interpreted to grant EPA broad authority. *See, e.g., Dow Chemical Co.* v. *U.S.,* 467 U.S. 227, 233 (1986) ("Regulatory and enforcement authority generally carries with it all modes of inquiring and investigation traditionally employed or useful to execute the authority granted"). This information is included in the existing ICR.

It is reasonable for EPA to request the parent company information. Once EPA has this information, EPA will be able to immediately use it to assist in implementation of agency policy and program goals including developing and improving emission inventories and enhancing the implementation of programs aimed at reducing emissions of GHGs. For more information, refer to Section I.C of this preamble, where EPA has further explained the immediate usefulness of this information under the CAA.

Definition of U.S. Parent Company:

The proposed rule included a definition of "United States parent company(s)" as follows: "United States parent company(s) means the highest-level United States company(s) with an ownership interest in the reporting entity as of December 31 of the reporting year."

Comment: One commenter requested that EPA clarify that "reporting year" means the year for which emissions data are being reported and not the year when the report is submitted to EPA.

Response: The intent in the proposal was for "reporting year" to be interpreted as the year during which GHG data are monitored and collected. The language has been clarified in the final rule. The revised definition of U.S. parent company in the final rule reads: "*United States parent company(s)* means the highest-level United States company(s) with an ownership interest in the reporting entity as of December 31 of the year for which data are being reported."

Reporting by Foreign Owned Companies:

EPA solicited comments on whether facilities and suppliers owned by foreign companies always have a U.S.-based parent company as defined in the proposed rule. EPA was interested in receiving comments, data, and analysis on whether there may be instances in which foreign-owned facilities and suppliers do not have a U.S. parent company because we wanted to determine if U.S. parent company reporting would be appropriate for all reporters subject to 40 CFR part 98.

No comments were received on this topic, but some minor clarifying changes were made in the final rule requirements for parent company reporting for foreign corporations. For consistency, some of these minor clarifying changes were also made in the final rule requirements for parent company reporting for multiple U.S. companies. In the final rule, if the reporting entity is entirely owned by a foreign company, reporters must provide the legal name and physical address of the foreign company's highest-level company based in the U.S. as the U.S. parent company, and report 100 percent ownership. If the reporting entity is partially owned by a foreign company and partially owned by one or more U.S. companies, reporters provide the legal name and physical address of the foreign owner's highest-level company based in the U.S. as the U.S. parent company, along with the legal names and physical addresses of the other U.S. parent companies and the percent ownership of each of these companies.

Reporting of Numeric Corporate Identifiers:

In the preamble for the proposed rule, we discussed a requirement to report a numeric identifier for parent company(s) in addition to the parent company name. EPA requested comments on corporate identifiers and whether there are any additional numeric identifiers that should be considered for this final rule. Ultimately, EPA chose not to require reporting of a corporate numeric identifier, upon review of comments received and in recognition of the limitations of the possible private and public sources for such identifiers.

Comments: Numerous comments stated that requiring a unique numeric identifier for each parent company would facilitate aggregation of the data and would achieve the most accurate reporter-to-parent linkages. These commenters noted that inconsistencies in reporting corporate parent names ("E.I. Du Pont De Nemours" versus "Du Pont Inc.") increases the difficulty of the reporter-to-parent aggregation and that numerical identifiers would increase the accuracy and consistency of the reported data. While commenters acknowledged the significant limitations in the numeric identifiers discussed in the preamble to the proposed rule, including Data Universal Number System (DUNS), Committee on Uniform Security Identification Procedures (CUSIPs), Federal Employer Identification Numbers (FEINs), and stock tickers, some commenters recommended using these identifiers, or using new, EPA-generated identifiers. Commenters noted that using numeric identifiers could provide consistent and accurate reporting that minimizes the potential of data entry errors. Several comments supported EPA's decision not to include a requirement to report numeric corporate identifiers because existing and available identifiers do not meet EPA's objective of collecting comprehensive corporate identifier information for all facilities and suppliers subject to 40 CFR part 98.

Response: Based on a review of the comments received and on prior research, EPA decided to retain its position as stated in the proposal, and the final rule does not include reporting of a corporate identifier for the reasons described in this section of the preamble.

EPA agrees with the comments that numeric identifiers could potentially facilitate data aggregation, however, the currently available numeric identifiers considered by EPA and proposed by commenters have shortcomings such that they would not enable EPA to adequately aggregate data. As noted in Section II.A of the preamble and in the memorandum "Summary of Existing Company Identifier System" (located in docket EPA–HQ–OAR–2009–0925), some of the identifiers considered (*e.g.,* stock tickers, CUSIP, SEC central index key, and LexisNexis) cover only public companies. EPA expects that reporters under the GHGRP will cover both public and privately-held companies and does not want to exclude a portion of reporters from Agency analyses. Furthermore, limiting the reporting of a numeric identifier to only public companies would place an additional burden on only this subset of reporters. The privately held databases, such as DUNS and CUSIPs, require licensing agreements, which potentially restrict the public use of that data. Finally, in

accordance with Internal Revenue Code 6103, FEINs can only be collected and released on a voluntary basis and EPA would have no means to ensure that all facilities/suppliers would report their FEINs.

Additionally, the final rule requires both the reporter's parent company name and the parent company's headquarters physical address, which is intended to improve considerably on EPA's ability to uniquely identify corporate parents. To address comments related to difficulties in aggregating data using the reported parent company name, EPA plans to implement methods to standardize the parent company names reported. Standardizing the parent company names will improve the accuracy of aggregating data by parent company name by limiting human errors (*e.g.,* typing entry errors), and removing inconsistent abbreviations (*e.g.,* Co. vs. Company).

In response to comments suggesting EPA assign new numeric identifiers to parent companies, that task is outside the scope of this rulemaking. However, the Agency is broadly exploring future development of unique, EPA-generated numeric identifiers for parent companies. These comments reinforce EPA's understanding that such identifiers would be valuable for aggregating facility level data to the corporate level. Any development of these identifiers would be a future effort, and submission of such identifiers is not included in this final rule.

B. NAICS Code(s)

The proposed rulemaking (75 FR 18455) includes a requirement to report the primary NAICS code applicable to each reporter, as well as any additional NAICS codes in order of largest revenue to smallest. The proposal defined NAICS code as the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility or supplier as defined in "North American Industrial Classification System Manual 2007," available from the U.S. Department of Commerce, National Technical Information Service.

Inclusion of NAICS code reporting was proposed to provide information to assist EPA in aggregating and analyzing the data collected under 40 CFR part 98 at the sector level.

1. Summary of NAICS Code Reporting Requirements

After considering all of the comments received, this final rule requires that each facility or supplier required to report under 40 CFR part 98 report its primary NAICS code and any additional applicable NAICS codes. For the purposes of this rule, EPA considers a reporter's primary NAICS code to be the six-digit code (or codes) that most accurately describes the reporter's primary product/activity/service, as defined in "North American Industry Classification System Manual 2007," available from the U.S. Department of Commerce, National Technical Information Service.[16] The primary NAICS code (or codes) is the product/activity/service that is the principal source of revenue for the facility or supplier. For the purposes of this rule, EPA considers additional NAICS codes to be those codes that describe the product(s)/activity(s)/service(s) at the facility, but that are not related to the principal source of revenue.

The following instructions apply to reporters regarding the reporting of NAICS codes: Enter the six-digit NAICS code that most accurately describes the reporter's principal product/activity/service and designate it as "primary." Each reporter must provide one primary NAICS code, but may also designate a second code as primary if the reporter has two distinct products/activities/services providing comparable revenue. Provide all additional NAICS codes that describe the reporter's products/activities/services but that are not related to the principal source of revenue. Federal facilities should report the NAICS code that most closely represents the activities taking place at the site. For example, a Federally-owned, fossil fuel-fired electric power plant would be classified as NAICS 221112 — Fossil Fuel Electric Power Generation. For additional guidance on how to determine the proper NAICS code(s), go to *http://www.census.gov/eos/www/naics/*.

The use of the term "primary NAICS code" in this rule and the methodology for determining the primary NAICS code are consistent with the NAICS code use and methodology used by the U.S. Census Bureau and other government agencies. In addition, the instructions for reporting NAICS codes in the final rule are similar to those used by EPA's TRI and other EPA information collections.

[16] The Office of Management and Budget has proposed revisions to the North American Industry Classification System for 2012 onward. *See* "North American Industry Classification System—Updates for 2012" 75 FR26855, May 12, 2010. These revisions will not affect this rulemaking, which requires reporters to use the NAICS codes defined in the North American Industry Classification System Manual 2007, regardless of whether these codes are updated in the future.

2. Summary of Major Changes Since Proposal

The major changes since proposal are identified in the following list. The rationale for these changes can be found in Section II.B.3 of this preamble:

- In the final rule, reporters must provide one primary NAICS code and may also provide a second primary NAICS code if they have two distinct products/activities/services providing comparable revenue. The proposed rule did not specify the number of primary NAICS codes that should be reported.
- In this final rule, no ordering of the additional (*i.e.,* non-primary) NAICS codes is required. The proposed rule required that additional NAICS codes be entered in order of largest revenue to smallest.

3. Summary of Public Comments and Responses

This section provides a summary of the comments and responses on EPA's proposal to require reporting of primary and all additional NAICS codes by facilities and suppliers subject to 40 CFR part 98.

Primary NAICS Code Reporting Requirements:

Comments: Many commenters supported the NAICS codes reporting requirements as proposed. Commenters stated that requiring the full six-digit NAICS code(s) will allow data users to connect reported GHG data with other information on U.S. industries, facilitating comparisons within and across industry sectors. Other commenters noted that collection of NAICS codes greatly expands the utility of 40 CFR part 98 data, and provides important data relevant to industry sector analyses. One industry source added that NAICS codes are easily obtained.

Two commenters requested that EPA allow reporting of more than one primary NAICS code. These commenters stated that this is particularly important for large facilities that consist of separate economic units, such as a petroleum refinery and a chemical plant. The commenters added that this could be important if any future climate change legislation differentiates regulatory requirements according to industry sector or NAICS codes, where requirements for refineries and chemical plants could differ. Accordingly, the commenters concluded, EPA should ensure that the final rule and any required electronic reporting tool allow for entering more than one primary NAICS code per reporter.

Finally, one commenter stated that EPA should obtain primary NAICS codes from the Census Bureau.

Response: EPA agrees with the commenters that the NAICS code information will provide a valuable data element for sector-level analyses. EPA considered using three- and four-digit NAICS codes, but proposed and is requiring reporting of the six-digit NAICS codes because they provide more detailed information for analyses. In addition, use of the six-digit NAICS codes is consistent with TRI and other EPA databases, allowing sector-level data to be compared across EPA data sets.

Upon consideration of the comments received regarding multiple primary NAICS, EPA requires reporting in the final rule of one primary NAICS code that most accurately describes the reporting entity's primary product/activity/service. A reporting entity that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code. Allowing a second NAICS code to be designated as a primary NAICS code gives facilities and suppliers that have two distinct lines of business with comparable revenue the ability to more accurately reflect the nature of their operations.

In response to the commenters' statement that the electronic reporting tool for the GHGRP should allow entry of more than one primary NAICS code per reporter, EPA's reporting tool will require the reporters to designate one NAICS code as primary, and will allow up to two NAICS codes to be designated as primary.

EPA also considered whether primary NAICS codes could be obtained from the Census Bureau, as suggested by one commenter. However, the facility-level Census Bureau data are confidential as specified in U.S. Code Title 13 [17], and cannot be accessed by EPA. Therefore, the final rule requires primary and all additional NAICS codes to be reported to EPA by the reporting entity.

Additional NAICS Codes Reporting Requirements:

Comments: Several commenters opposed EPA's proposal that the additional (*i.e.,* non-primary) NAICS codes reported be listed in the order of the largest source of revenue to the smallest. Comments in opposition stated this ranking: (1) Would add an additional and unnecessary burden and expense; (2) does not add value to the emissions information being reported; (3) is an arbitrary exercise, where different companies, or different employees within a company, could derive different ranking of the additional NAICS codes; (4) is inconsistent with TRI requirements where non-primary NAICS codes are reported, but not ranked; and (5) could disclose CBI that could be accessed by foreign or domestic competitors. One commenter suggested that reporting of NAICS codes beyond the primary NAICS codes should be voluntary.

Response: EPA carefully considered the information provided by commenters on reporting additional (*i.e.,* non-primary) NAICS codes in descending order based on revenue. As a result of this review, the final rule does not require that the additional NAICS codes be reported in a particular order. After reviewing the comments received, EPA agrees that ordering the additional NAICS codes by revenue could result in added burden that may not provide additional benefit compared to a list of additional NAICS codes that is not ordered, because emissions are not necessarily related to revenue. Ranking of additional NAICS codes, therefore, is not required in the final rule. The comments regarding the ranking of additional NAICS codes, including the possibility of different rankings by different employees, the need for consistency with TRI, and the possibility of divulging CBI are not addressed because EPA has determined that requiring ranking will not provide the Agency with useful additional data when compared to the burden.

In response to the comment suggesting that reporting of additional NAICS codes be voluntary, EPA retains the proposed approach that requires mandatory reporting of all additional NAICS codes. To conduct analyses of the GHG emissions associated with different sectors or different types of operations, it is critical that these data be reported consistently among reporters. If reporting of additional (*i.e.,* non-primary) NAICS were voluntary, it would not be possible to distinguish if a reporter entered only one NAICS code because only one type of operation is conducted, or if only one NAICS code was entered due to a voluntary decision not to enter additional NAICS codes. This inconsistency in reporting additional NAICS codes would limit the value of analyses characterizing non-primary operations. To maintain the ability to conduct robust analyses using the reported NAICS codes, reporting of additional NAICS codes is required in the final rule.

Definition of NAICS Codes:

In the proposed rule, EPA provided a definition for "North American Industry Classification System (NAICS) codes" as follows: "North American Industry Classification System (NAICS) code(s) means the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility or supplier as defined in "North American Industrial Classification System Manual 2007," available from the U.S. Department of Commerce, National Technical Information Service." No comments were received on this definition, and no changes were made in the final rule to the definition of "North American Industry Classification System (NAICS) codes."

C. Cogeneration

In the proposed rulemaking (75 FR 18455), EPA proposed requirements for reporting the use of cogeneration by indicating (*i.e.,* checking yes or no) whether some or all of the reported GHG emissions are from one or more cogeneration units. EPA also solicited comment on whether this reporting should be mandatory or voluntary. In the proposal, EPA defined a cogeneration unit as a unit that produces electrical energy and useful thermal energy for industrial, commercial, or heating or cooling purposes, through the sequential or simultaneous use of the original fuel energy.

1. Summary of Cogeneration Reporting Requirements

The final rule requires reporters to indicate whether reported emissions include emissions from a cogeneration unit (yes or no) located at the facility. Cogeneration units can result in net reductions (*i.e.,* across facilities) of GHG emissions compared to separate power and heat generation.

Information on the types and characteristics of facilities that employ cogeneration technologies and the performance of cogeneration units could be important to future development of GHG mitigation strategies. EPA recognizes that the information required under this rule may not, by itself, be sufficient to determine the actual quantity of GHG emissions occurring from cogeneration units at individual reporting facilities, companies or NAICS sectors. It also does not provide the degree to which those cogeneration emissions displace fossil fuel or other fuel source emissions from central station generation plants. However, the information reported will allow EPA and States to identify facilities using cogeneration. In addition, EPA recognizes that not all emissions at

[17] U.S. Code Title 13 guarantees the confidentiality of census information and establishes penalties for disclosing this information. *See http://www.census.gov/geo/www/luca2010/luca_title13.html.*

individual reporting facilities with cogeneration are attributable to the cogeneration unit(s). As such, it should not be inferred that all emissions at an individual reporting facility with cogeneration are attributed to the cogeneration unit(s).

2. Summary of Major Changes Since Proposal

The final rule retains the proposed rule language and requires reporters to indicate whether reported emissions include emissions from a cogeneration unit. Reporting of this information is mandatory.

3. Summary of Public Comments and Responses

This section provides a summary of the comments and responses on EPA's proposal to require reporters to identify use of a cogeneration unit located at the facility.

Cogeneration Reporting Requirements:

Comments: Numerous comments strongly supported EPA's proposal to require reporters to indicate whether some or all of the reported GHG emissions are from a cogeneration unit. Commenters stated that collecting the information on cogeneration use will help EPA understand where the practice is being used, and how to encourage its use where appropriate. None of the comments opposed EPA's proposal to collect cogeneration information.

One commenter requested that EPA provide in the rule additional discussion of the benefits of cogeneration technology as an efficient method to reduce net GHG emissions. This commenter also requested that EPA require power production facilities to report GHG emissions on a net GHG per usable energy produced basis to ensure that the benefits of total system efficiency are recognized.

Another commenter recommended EPA consider whether additional information on cogeneration units should be required in the future, such as their capacity or how frequently they are used.

Finally, a commenter recommended that EPA clarify and/or modify the rule to state that: (1) Local Distribution Companies (LDCs) should be required to report only the presence of cogeneration units at facilities owned and operated by the LDC; and (2) as suppliers, LDCs are not responsible for reporting cogeneration units owned and operated by the LDC's individual customers.

Response: EPA agrees with comments that the cogeneration information will be informative, enabling EPA to identify the types and characteristics of facilities that employ cogeneration technologies. By collecting this information annually, EPA will also be able to track changes in the use of this technology in individual sectors and across the U.S. economy.

EPA agrees with the comment that there are efficiencies related to the use of cogeneration. However, the regulatory framework for the GHGRP is not the appropriate place to describe the benefits of a technology.

In response to the comment requesting that power production facilities report GHG emissions on a net GHG per usable energy produced, the information the commenter asks EPA to collect is well beyond the intended scope of this rule. The scope of this rule is to obtain general information on cogeneration use for future development of GHG mitigation strategies and not to support the development of standards of performance for industrial facilities or to amend the units in which data are required to be reported in 40 CFR part 98.

In response to the comments requesting EPA collect more detailed information on reporters' cogeneration units, EPA recognizes that the information required under this rule will not, by itself, be sufficient to determine the actual quantity of GHG emissions occurring from cogeneration units at individual reporting facilities, companies or NAICS sectors. The cogeneration information required under the final rule will improve EPA's understanding of the current implementation of cogeneration while minimizing burden on reporters; therefore, EPA is not currently exploring expansion of the cogeneration reporting requirements.

EPA agrees with the comment regarding the requirements for LDCs to report cogeneration. It was not our intent to require LDCs to collect cogeneration information on their customers. EPA is clarifying in this response that LDCs are required to report the presence of cogeneration facilities owned and operated by the LDC, but are not required to report whether units owned and operated by the LDC's customers have cogeneration units.

Comments on Making Cogeneration Reporting Voluntary:

EPA requested comments on whether the cogeneration reporting in the final rule should be mandatory or voluntary. No comments supported voluntary reporting of the cogeneration information; however, many commenters stated their support for EPA's proposal to require that reporters indicate whether or not any of their reported emissions are from a cogeneration unit at the facility. As in the proposed rule, the final rule includes mandatory reporting to indicate if any reported emissions are from cogeneration units located at the facility.

Definition of Cogeneration:

The proposed rule included a definition of "cogeneration unit" as follows: "Cogeneration unit means a unit that produces electrical energy and useful thermal energy for industrial, commercial, or heating or cooling purposes, through the sequential or simultaneous use of the original fuel energy." EPA based this definition of cogeneration on the Agency's Acid Rain Program to promote consistency and comparable data collection across EPA regulatory programs. No comments were received on this definition, and no changes were made in the final rule to the definition of "cogeneration" included in the proposed rule.

D. Frequency of Reporting

In the proposed rulemaking (75 FR 18455), EPA proposed that facilities and suppliers subject to 40 CFR part 98 be required to submit information regarding their U.S. parent company(s), their NAICS code(s), and whether or not any of their reported emissions are from a cogeneration unit, on an annual basis, as part of their annual reports. EPA further proposed that regulated entities be required to report this information as it exists on December 31 of the year for which data are being reported, to be consistent with other EPA reporting programs, such as TRI.

1. Summary of the Final Rule Requirements

Under the final rule, facilities and suppliers subject to 40 CFR part 98 are required to annually submit information regarding their U.S. parent company(s), their NAICS code(s), and whether or not any of their reported emissions are from a cogeneration unit, as part of their annual GHG reporting. Regulated entities report this information as it exists on December 31 of the year for which data are being reported. Facilities will be required to report this data beginning in 2011 for the 2010 reporting year.

2. Summary of Major Changes Since Proposal

There have been no changes since proposal.

3. Summary of Public Comments and Responses

This section provides a summary of the comments and responses on EPA's

proposal to require annual reporting for the data elements added to 40 CFR part 98 in the final rule (*i.e.,* U.S. parent company(s), NAICS code(s), and cogeneration by facilities and suppliers). While EPA was interested in receiving comments on the proposal in its entirety, EPA specifically solicited comments on the utility and burden of updating the additional information required by the proposed rule on a more frequent basis than annually, for example, whenever changes occur with respect to a reporter's U.S. parent company or NAICS code(s).

Comments: The comments received largely supported EPA's proposal to require reporting of U.S. parent company(s), NAICS code(s), and cogeneration units on an annual basis, rather than more frequently. One commenter supporting annual reporting stated a concern with the potential burden and complexity of updating corporate parent information more often than annually. For more frequent reporting, the commenter added, EPA would need to identify a specific need for the increased level of detail.

One commenter noted that if reporting were required quarterly, data could be aggregated to each parent company's fiscal year. Another commenter stated that requiring updates to be reported whenever a change occurs in the reporter's parent company or NAICS code should not be a problem. This commenter added that the annual reporting requirement, however, may be sufficient.

Response: EPA recognizes that a reporter's U.S. parent company(s) and/or NAICS code(s) may change during the course of the year. In some instances this information may even change multiple times throughout the year. However, EPA agrees with the commenters that requiring updates to these data elements more than once a year, such as every time there is a change in a reporter's U.S. parent company(s) or NAICS code(s), would result in an increased burden for minimal additional information. In addition, requiring annual reporting would be consistent with the requirements of 40 CFR part 98. Therefore, the final rule requires annual reporting of reporters' U.S. parent company(s), NAICS code(s), and whether or not any of their reported emissions are from a cogeneration unit, as part of their regularly scheduled annual reports, as proposed. More frequent reporting, such as when a change in parent company or NAICS occurs, is not required.

E. Applicability of the Reporting Requirements

1. Summary of Applicability of the Reporting Requirements

The final rule applies to all reporters; it requires all facilities and suppliers subject to 40 CFR part 98 to report the additional information included in this rule. The descriptions of the terms "primary NAICS code(s)," and "additional NAICS code(s)," and the definitions of "United States parent company" and "cogeneration unit" in the final rule apply only to this rule, which adds these data elements to the list of items that must be reported under 40 CFR 98.3(c). The definitions and descriptions of terms in this final rule do not change the applicability of any subpart in the promulgated 40 CFR part 98. They also do not change the level of reporting or who is required to submit reports.

The definition of United States parent company does not override or change the meaning of similar terms that refer to company level or corporate level requirements. Many subparts (including 40 CFR part 98, subparts A, C, G, K, P, Q, R, Y, GG, and HH) use the term "company records," which is defined in 40 CFR part 98, subpart A. The term "corporate level" is used in 40 CFR part 98, subpart MM to require importers and exporters to report at the corporate level, rather than the facility level. "Corporate documents" are referred to in 40 CFR part 98, subpart A. None of these terms, definitions, or associated requirements are affected by the definition of "United States parent company" in the final rule.

In addition, the definition of United States parent company in the final rule does not affect the definitions of "importer" and "exporter" in 40 CFR part 98, subpart A, or the applicability of the suppliers source categories. The definition in the final rule also does not affect the term "local distribution company" as described in 40 CFR part 98, subpart NN. These terms retain their meaning in 40 CFR part 98.

2. Summary of Major Changes Since Proposal

There have been no changes since the proposal.

3. Summary of Public Comments and Responses

No comments were received on the applicability of the reporting requirements.

F. Miscellaneous Public Comments and Responses

EPA also received comments of a more general nature that did not relate specifically to reporting of parent company, NAICS codes, cogeneration, frequency of reporting, or applicability. These comments and EPA's responses are summarized in this section.

Comments: Two commenters voiced general support for this rule. The commenters asserted that the inclusion of the requirements to report NAICS codes and corporate information will enable researchers to conduct analyses of corporate GHG emissions. Another commenter voiced opposition to the rule, stating that the government already has enough rules and regulations.

Response: EPA thanks the commenters for their input. The focus of this rule is to collect accurate data on U.S. GHGs from suppliers and facilities above specified thresholds for use in analyzing and developing potential GHG policies and environmental programs. This rule will help EPA carry out its duties under the CAA while adding a very minimal burden to reporting entities.

Comment: One commenter requested that EPA make the information collected under this rule available to the public and easily accessible to all interested parties.

Response: EPA published a proposed confidentiality determination on July 7, 2010 (75 FR 39094), which addressed the confidentiality of data reported under 40 CFR part 98. In that action, EPA proposed which specific data elements would be treated as CBI and which data elements must be available to the public under CAA section 114. EPA has received several comments on the proposal, and is in the process of considering these comments. A final determination will be issued before any data are released, and data that are not determined to be confidential will be published in a way that will be easily accessible to the public.

Comment: One commenter suggested that EPA should develop a comprehensive company-level GHG inventory.

Response: While the development of a comprehensive company-level GHG inventory is outside the scope of this rulemaking, EPA notes the commenter's suggestion and thanks the commenter for their input. For a discussion of why EPA chose to require facility-level reporting, please *see* Section II.F of the preamble of the final Part 98 (74 FR 56273, October 30, 2009) as well as Section II.A of the preamble to this final rule. For a discussion of why EPA chose

a 25,000 metric ton CO_2e reporting threshold for most sources, please *see* Section *II.E.* of the preamble of the final Part 98 (74 FR 56271, October 30, 2009) as well as Section II.A of the preamble to this final rule.

G. Correction to Subpart A

We also are correcting a drafting error in the revision to 40 CFR 98.2(a)(2) that was published on July 12, 2010 (75 FR 39758). In the July 12, 2010 notice, we restructured 40 CFR 98.2(a) to move the lists of source categories that are subject to the rule from the text into tables. This restructuring revision made no substantive change to the applicability provisions of the rule, but just reformatted that section of the rule to better accommodate the addition of new source categories for which reporting would become effective in future years. To make this change required conforming changes to the text of 40 CFR 98.2(a) to refer to the tables. The July 12, 2010 change to 40 CFR 98.2(a)(2) reads that the rule applies to:

> A facility that contains any source category that is listed in Table A–4 of this subpart that emits 25,000 metric tons CO_2e or more per year in combined emissions from stationary fuel combustion units, miscellaneous uses of carbonate, and all applicable source categories that are listed in Table A–3 and Table A–4 of this subpart.

The published clause inadvertently omitted the word "and" prior to the clause "* * * that emits 25,000 metric tons CO_2e * * *" Despite this omission, the regulatory text as it appears in the July 12, 2010 final rule can and should be interpreted to apply to a facility that contains any source category listed in Table A–4 of this subpart if combined emissions from all applicable source categories at the facility are 25,000 metric tons CO_2e per year or more. Nonetheless, restoring the inadvertently omitted word "and" to the paragraph makes it absolutely clear that the 25,000 metric tons CO_2e threshold applies at the facility level and not at the source category level. This interpretation is clear from the original rule and from the preamble to the proposal for the subpart A restructuring (75 FR 12451 and 75 FR 12489) and the preamble to the final rule for the restructuring (75 FR 39739). As published, 40 CFR 98.2(a)(2) is technically correct, but reinserting the "and" makes it clearer and less subject to misinterpretation, and makes the sentence structure parallel to that of the original rule text. Therefore, we are revising 40 CFR 98.2(a)(2) by restoring the word "and" to read as follows (emphasis added):

> A facility that contains any source category that is listed in Table A–4 of this subpart *and* that emits 25,000 metric tons CO_2e or more per year in combined emissions from stationary fuel combustion units, miscellaneous uses of carbonate, and all applicable source categories that are listed in Table A–3 and Table A–4 of this subpart.

III. Economic Impacts of the Final Rule

This section of the preamble examines the costs and economic impacts of the final rulemaking and the estimated economic impacts of the rule on affected entities, including estimated impacts on small entities. Complete detail on the economic impacts of the final rule can be found in the text of the Economic Impact Analysis (EIA) for the final rule (located in docket EPA–HQ–OAR–2009–0925).

A. How were compliance costs estimated?

1. Summary of Method Used To Estimate Compliance Costs

The cost analysis estimates the incremental contributions to total reporting burden expected under 40 CFR part 98 and compliance costs associated with reporting the data elements described above. EPA estimated compliance costs based on the time reporters spend meeting the requirements and the associated labor wage rates. EPA's estimated costs of compliance are discussed in this section of the preamble and in greater detail in Section 4 of the EIA.

Labor Costs. All of the reporting cost estimates include the time of managers, lawyers, and technical staff in both the private sector and the public sector. To reflect that both management and technical staff will be involved in reporting the above data elements, an overall blended wage rate was developed based on estimates from the TRI program for similar data element reporting at similar facilities. Management staff is estimated to be involved in approximately 0.8 percent of the reporting, while technical staff is likely to be needed for the remaining 99.2 percent. Thus, the blended wage rate used in this analysis is $60.22 per hour. The amount of time required for facilities with one owner is 80 minutes per facility in the first year and 40 minutes per facility in subsequent years; time estimated for facilities with more than one owner is 125 minutes per facility in the first year and 85 minutes per facility in subsequent years.

Cost basis. The cost analysis is based on facilities and suppliers currently subject to 40 CFR part 98, including subparts that were finalized after EPA proposed the rule to require reporting of corporate parent information, NAICS codes and cogeneration.[18] Specifically, the finalization of 40 CFR part 98, subparts T (Magnesium Production), FF (Underground Coal Mines), TT (Industrial Waste Landfills), and II (Industrial Wastewater Treatment) resulted in a higher number of facilities and suppliers subject to this final rule. The analysis does not account for those expected to be added to 40 CFR part 98 through upcoming actions. The methods and assumptions used to estimate the compliance costs for facilities and suppliers currently subject to the rule would likewise apply to those facilities and suppliers that may be added to the 40 CFR part 98 reporting program in the future. The addition of new facilities or suppliers would therefore increase the total compliance costs in proportion to the increase of the reporting universe. Accordingly, EPA does not expect the burden for newly added industries to change the conclusions of this economic analysis.

B. What are the costs of the rule?

1. Summary of Costs

As shown in Table 3 of this preamble, the total national cost under this final rule is approximately $944,000 in the first year and about $470,000 in subsequent years (all estimates are in $2006). Costs include a public sector burden estimate of $90,000 in the first year and $40,000 in subsequent years for program implementation and data verification activities. *See* Table 3 in Section IV.A of this preamble for a summary of the costs.

C. What are the economic impacts of the rule?

1. Summary of Economic Impacts

EPA prepared an economic analysis to evaluate the impacts of the final rule. The analysis estimates the private direct compliance costs per facility and provides a national burden estimate, which includes public costs associated with program implementation and verification activities. Reporting costs were estimated to be less than $100 per facility. As a result, the rule is unlikely to result in significant changes in firms' production decisions or economic choices.

[18] *See Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills; Final Rule* (75 FR 39736, July 12, 2010).

D. What are the impacts of the rule on small businesses?

1. Summary of Impacts on Small Businesses

As required by the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA), EPA assessed the potential impacts of the rule on small entities (small businesses, governments, and non-profit organizations). (*See* Section IV.C of this preamble for definitions of small entities.)

EPA conducted a screening assessment comparing compliance costs for affected industry sectors to industry-specific receipts data for establishments owned by small businesses. This ratio constitutes a "sales" test that computes the annualized compliance costs of this rule as a percentage of sales and determines whether the ratio exceeds some level (*e.g.,* 1 percent or 3 percent).

The average ratio of annualized reporting program costs to revenues of small entities would be less than 0.01 percent. As a result, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

This action is not a "significant regulatory action" under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the EO.

Although this is not a significant economic rule, EPA prepared an analysis of the potential costs and benefits associated with the final rule to provide insights on the potential effects. This analysis is contained in the Economic Impact Analysis. A copy of the analysis is available in the docket (EPA–HQ–OAR–2009–0925) for this action and is briefly summarized here. In the economic analysis, EPA identified the final rule's compliance burden and the costs. The cost analysis, presented in Section III.B of this preamble, estimates the total annualized burden, which is presented in Table 3 of this preamble.

TABLE 3—COST SUMMARY UNDER THE FINAL RULEMAKING (IN THOUSANDS, $2006)

Cost	Year 1	Subsequent years
National compliance	$854	$430
Public	90	40
Total	944	470

Note: Numbers may not add due to rounding.

Overall, EPA has concluded that the costs of collecting U.S. parent company(s), NAICS codes, and cogeneration information as part of 40 CFR part 98 are outweighed by the potential benefits of more comprehensive information about GHG emissions.

B. Paperwork Reduction Act

The information collection requirements for this final rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An ICR document was previously prepared for 40 CFR part 98 and was assigned EPA ICR number 2300.03. The information collection requirements of this amendment to 40 CFR part 98 are documented in an additional ICR document, which was assigned EPA ICR number 2374.02.

The data collected through this final rule would be immediately available to EPA and could be used for the purposes of providing additional information to support more effective research and develop actions to address GHG emissions. For example, corporate parent and NAICS data would assist EPA in developing and improving emission inventories, as well as characterizing emissions data in several different ways. A more detailed understanding of the sources and operational categories of GHG emissions could lead to improvements in air pollution emissions information that is relied upon to develop effective control strategies. For example, EPA could use the NAICS code information gathered by this rule to compare results both within industries and across industry sectors.

In addition, the information gathered through this rule will be immediately available to enhance EPA's implementation of various nonregulatory programs aimed at encouraging voluntary reductions of GHG emissions. Under the authority of CAA section 103, EPA has launched a variety of nonregulatory programs aimed at reducing emissions of GHGs. The additional data will assist EPA by providing more detailed information on possible sources, and facility operations within industrial sectors for EPA to work with in the context of these programs.

This information collection is mandatory and will be carried out under CAA section 114. EPA published a proposed confidentiality determination on July 7, 2010 (75 FR 39094) that specified which data reporting elements in 40 CFR part 98 would be treated as CBI and which data elements must be available to the public under CAA section 114. A final determination will be issued before any part 98 data are released.

As outlined in ICR number 2374.02, the projected average annual cost and hour burden for non-Federal respondents is about $571,000 and 9,500 hours. The estimated average annual burden per response is 0.15 hour; the frequency of response is annual for all respondents that must comply with the final rule; and the estimated average number of likely respondents per year is 10,551. The cost burden to respondents resulting from the collection of information includes the total capital cost annualized over the equipment's expected useful life (averaging $0), a total operation and maintenance component (averaging $0 per year), and a labor cost component (averaging $571,000). Burden is defined at 5 CFR 1320.3(b). These cost numbers differ from those shown elsewhere in the EIA (EPA–HQ–OAR–2009–0925) because ICR costs represent the average cost over the first three years of the rule, whereas the EIA reports costs separately for the first and subsequent years of the rule. Also, the total cost estimate of the rule in the EIA includes the cost to the Agency to administer the program. The ICR differentiates between respondent burden and cost to the Agency.

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

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment 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 the final rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's 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.

After considering the economic impacts of the final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The additional per-entity costs under the final rule are substantially smaller (less than $81 in year 1 and $41 in subsequent years) than the burden for the overall rule. The costs are therefore not enough to constitute a significant economic impact on a substantial number of small entities. The small entities directly regulated by the final rule include small businesses across all sectors encompassed by the rule, small governmental jurisdictions and small non-profits. We have determined that some small businesses will be affected because their production processes emit GHGs that must be reported, or because they have stationary combustion units on site that emit GHGs that must be reported. Small governments and small non-profits are generally affected because they have regulated landfills or stationary combustion units on site, or because they own a local distribution company subject to 40 CFR part 98, subpart NN (natural gas suppliers).

At promulgation of 40 CFR part 98, EPA examined the impact on small entities (74 FR 56369, October 30, 2009). In addition, EPA described the steps taken by EPA to reduce the impact of 40 CFR part 98 on small entities.

D. Unfunded Mandates Reform Act

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. Federal agencies must also develop a plan to provide notice to small governments that might be significantly or uniquely affected by any regulatory requirements. The plan must enable officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates and must inform, educate, and advise small governments on compliance with the regulatory requirements.

The final rule does not contain 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 one year. As shown in the EIA (EPA–HQ–OAR–2009–0925), EPA estimated the several national cost estimates and found annual expenditures were below $100 million threshold. Thus, the final rule is not subject to the requirements of UMRA sections 202 or 205.

The final rule is also not subject to the requirements of UMRA section 203 because it contains no regulatory requirements that might significantly or uniquely affect small governments. The final new rule requires facilities and suppliers already subject to 40 CFR part 98 to provide additional data in each annual GHG report, and the additional data elements required are the same for all reporters (private and public). In addition, EPA's small entity analysis shows the average ratio of annualized reporting program costs to revenues would be less than 0.01 percent.

This final rule amends 40 CFR part 98 and applies directly to reporters that supply fuel or industrial gases that when used emit GHGs, and to reporters that directly emit GHGs. The final rule does not apply to governmental entities unless the government entity owns a facility that directly emits GHGs above threshold levels such as a landfill or large stationary combustion source. In addition, the final rule does not impose any implementation responsibilities on State, local, or Tribal governments and it is not expected to increase the cost of existing regulatory programs managed by those governments. Thus, the impacts on governments affected by the final rule are expected to be minimal.

E. Executive Order 13132: Federalism

This action 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 EO 13132. However, for a more detailed discussion about how 40 CFR part 98 relates to existing State programs, please *see* Section II of the preamble to the final Part 98 (74 FR 56266, October 30, 2009).

This final rule applies directly to reporters that supply fuel or chemicals that when used emit GHGs or facilities that directly emit GHGs. It does not apply to governmental entities unless the government entity owns a facility that directly emits GHGs above threshold levels such as a landfill or large stationary combustion source, so relatively few government facilities would be affected. This final rule also does not limit the power of States or localities to collect GHG data and/or regulate GHG emissions. Thus, EO 13132 does not apply to this action.

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

This final rule is not expected to have Tribal implications, as specified in EO 13175 (65 FR 67249, November 9, 2000). The final rule applies directly to entities that supply fuel or chemicals that when used emit GHGs or facilities that directly emit GHGs. This final rule does not pose significant costs on either a per-entity or national basis; few, if any, facilities or suppliers that are expected to be affected by the final rule are anticipated to be owned by Tribal governments. This final rule also does not limit the power of Tribes to collect GHG data and/or regulate GHG emissions. Thus, EO 13175 does not apply to the final rule.

Although EO 13175 does not apply to this final rule, EPA sought opportunities to provide information to Tribal governments and representatives during development of the rule, as documented in the preamble to the promulgated final Part 98 (74 FR 56371).

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

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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

This action is not subject to EO 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under EO 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This final rule does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

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

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

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

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective November 22, 2010.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Suppliers, Reporting and recordkeeping requirements.

Dated: September 16, 2010.

Lisa P. Jackson,

Administrator.

■ For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 98—[AMENDED]

■ 1. The authority citation for part 98 continues to read as follows:

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

Subpart A—[Amended]

■ 2. Section 98.2 is amended by revising paragraph (a)(2) to read as follows:

§ 98.2 Who must report?

(a) * * *

(2) *A facility that contains any source category that is listed in Table A–4 of this subpart and that emits 25,000 metric tons CO_2e or more per year in combined emissions from stationary fuel combustion units, miscellaneous uses of carbonate, and all applicable source categories that are listed in Table A–3 and Table A–4 of this subpart.* For these facilities, the annual GHG report must cover stationary fuel combustion sources (subpart C of this part), miscellaneous use of carbonates (subpart U of this part), and all applicable source categories listed in Table A–3 and Table A–4 of this subpart.

* * * * *

■ 3. Section 98.3 is amended as follows:

■ a. By adding paragraph (c)(4)(v).

■ b. By adding paragraph (c)(10).

■ c. By adding paragraph (c)(11).

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

* * * * *

(c) * * *

(4) * * *

(v) Indicate (yes or no) whether reported emissions include emissions from a cogeneration unit located at the facility.

* * * * *

(10) *NAICS code(s) that apply to the reporting entity.* (i) *Primary NAICS code.* Report the NAICS code that most accurately describes the reporting entity's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the reporting entity. A reporting entity that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code.

(ii) *Additional NAICS code(s).* Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the reporting entity that are not related to the principal source of revenue.

(11) Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the reporting entity and the percentage of ownership interest for each listed parent company as of December 31 of the year for which data are being reported according to the following instructions:

(i) If the reporting entity is entirely owned by a single United States company that is not owned by another company, provide that company's legal name and physical address as the United States parent company and report 100 percent ownership.

(ii) If the reporting entity is entirely owned by a single United States company that is, itself, owned by another company (*e.g.,* it is a division or subsidiary of a higher-level company), provide the legal name and physical address of the highest-level company in the ownership hierarchy as the United States parent company and report 100 percent ownership.

(iii) If the reporting entity is owned by more than one United States company (*e.g.,* company A owns 40 percent, company B owns 35 percent, and company C owns 25 percent), provide the legal names and physical addresses of all the highest-level companies with an ownership interest as the United States parent companies, and report the percent ownership of each company.

(iv) If the reporting entity is owned by a joint venture or a cooperative, the joint venture or cooperative is its own United States parent company. Provide the legal name and physical address of the joint venture or cooperative as the United States parent company, and report 100 percent ownership by the joint venture or cooperative.

(v) If the reporting entity is entirely owned by a foreign company, provide the legal name and physical address of the foreign company's highest-level company based in the United States as the United States parent company, and report 100 percent ownership.

(vi) If the reporting entity is partially owned by a foreign company and partially owned by one or more U.S. companies, provide the legal name and physical address of the foreign company's highest-level company based in the United States, along with the legal names and physical addresses of the other U.S. parent companies, and report the percent ownership of each of these companies.

(vii) If the reporting entity is a federally owned facility, report "U.S. Government" and and do not report physical address or percent ownership.

* * * * *

■ 3. Section 98.6 is amended by adding definitions of "Cogeneration unit," "North American Industry Classification System (NAICS) code(s)," "Physical address," and "United States parent company(s)" in alphabetical order to read as follows:

§ 98.6 Definitions.

* * * * *

Cogeneration unit means a unit that produces electrical energy and useful thermal energy for industrial, commercial, or heating or cooling purposes, through the sequential or simultaneous use of the original fuel energy.

* * * * *

North American Industry Classification System (NAICS) code(s) means the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility or supplier as listed in the **Federal Register** and defined in "North American Industrial Classification System Manual 2007," available from the U.S. Department of Commerce, National Technical Information Service, Alexandria, VA 22312, phone (703) 605–6000 or (800) 553–6847. *http://www.census.gov/eos/www/naics/.*

* * * * *

Physical address, with respect to a United States parent company as defined in this section, means the street address, city, state and zip code of that company's physical location.

* * * * *

United States parent company(s) means the highest-level United States company(s) with an ownership interest in the reporting entity as of December 31 of the year for which data are being reported.

* * * * *

[FR Doc. 2010–23674 Filed 9–17–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R05–RCRA–2010–0758; FRL–9201–2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendment.

SUMMARY: The EPA (also, "the Agency" or "we") is amending the exclusion for the American Steel Cord facility in Scottsburg, Indiana to reflect changes in ownership and name.

DATES: This amendment is effective on September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Todd Ramaly, Land and Chemicals Division, Region 5, Mail Code LR–8J, Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, Illinois 60604; *telephone number:* (312) 353–9317; *fax number:* (312) 582–5190; *e-mail address: ramaly.todd@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

In this document EPA is amending appendix IX to part 261 to reflect a change in the status of a particular exclusion and, as such, will apply to a single facility.

B. How can I get copies of related information?

EPA has established a docket for this action under Docket ID No. EPA–R05–2010–0758. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Records Center, 7th floor, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. We recommend you telephone Todd Ramaly at (312) 353–9317 before visiting the Region 5 office. The public may copy material from the regulatory docket at $0.15 per page.

C. Why is EPA taking this action?

The petition process under Title 40 Code of Federal Regulations (40 CFR) 260.20 and 260.22 allows facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste-specific information provided by the petitioner, EPA granted an exclusion for up to 3,000 cubic yards of F006, wastewater treatment sludges from electroplating operations, annually to American Steel Cord, Scottsburg (64 FR 3869, January 26, 1999).

On April 22, 2010, the Agency was notified that ownership of the Scottsburg facility had been transferred to Tokusen U.S.A., Inc. Scottsburg <JFS America> (Tokusen). Tokusen certified it will meet all terms and conditions set forth in the delisting and will not change the characteristics of the waste at the Scottsburg facility without prior Agency approval. This notice documents the change by updating appendix IX to incorporate a change in name.

There are also a number of minor typographical errors identified in the existing exclusion that will be fixed by this amendment. The sentences containing the list of verification constituents in condition 1 of the exclusion are combined with a colon and the list of allowable concentrations with semicolons. The constituent "benzo butyl phthlate" is corrected to "benzylbutylphthalate". A zero is added before the decimal for concentrations that are less than 1. The description of the waste is corrected from "wastewater treatment plant (WWTP) sludge" to "wastewater treatment sludges" (description based on the listing). Confusing timing language in condition 4(d) of the exclusion is corrected from "* * * (if no information is presented under paragraph (c) the initial receipt of information described in paragraph (a) * * *" to "* * * if no information is presented under paragraph (c) * * *"

These changes to appendix IX of part 261 are effective September 22, 2010. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of the Resource Conservation and Recovery Act (RCRA) to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. As described above, the facility has certified that it is prepared to comply. Therefore, a six-month delay in the effective date is not necessary in this case. This provides the basis for making this amendment effective immediately upon publication under the Administrative Procedures Act pursuant to 5 United States Code (U.S.C.) 5531(d).

List of Subjects in 40 CFR Part 261

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

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

Dated: September 14, 2010.

Bruce F. Sypniewski,

Acting Director, Land and Chemicals Division.

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

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

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

■ 2. Table 1 of Appendix IX of part 261 is amended by removing the "American Steel Cord" entry and adding a new entry "Tokusen U.S.A., Inc. Scottsburg <JFS America> (formerly American Steel Cord)" in alphabetical order by facility to read as follows:

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

TABLE 1—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
*	*	*
Tokusen U.S.A., Inc. Scottsburg <JFS America> (formerly American Steel Cord).	Scottsburg, Indiana	Wastewater treatment sludges from electroplating operations (EPA Hazardous Waste No. F006) generated at a maximum annual rate of 3,000 cubic yards per year, after January 26, 1999, and disposed of in a Subtitle D landfill. 1. Verification Testing: Tokusen U.S.A., Inc. Scottsburg JFS America (Tokusen) must implement an annual testing program to demonstrate, based on the analysis of a minimum of four representative samples, that the constituent concentrations measured in the TCLP extract of the waste are within specific levels. The constituent concentrations must not exceed the following levels (mg/l) which are back-calculated from the delisting health-based levels and a DAF of 68: arsenic-3.4; barium-100; cadmium-0.34; chromium-5; copper-88.4; lead-1.02; mercury-0.136; nickel-6.8; selenium-1; silver-5; zinc-680; cyanide-13.6; acetone-272; benzylbutylphthalate-476; chloroform-0.68; 1,4-dichlorobenzene-0.272; cis-1,2-dichloroethene-27.2; methylene chloride-0.34; naphthalene-68; styrene-6.8; tetrachloroethene-0.34; toluene-68; and xylene-680. Tokusen must measure and record the pH of the waste using SW 846 method 9045 and must record all pH measurements performed in accordance with the TCLP. 2. Changes in Operating Conditions: If Tokusen significantly changes the manufacturing or treatment process or the chemicals used in the manufacturing or treatment process, Tokusen may handle the wastewater sludges generated from the new process under this exclusion only after the facility has demonstrated that the waste meets the levels set forth in paragraph 1 and that no new hazardous constituents listed in Appendix VIII of Part 261 have been introduced. 3. Data Submittals: The data obtained through annual verification testing or compliance with paragraph 2 must be submitted to U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604–3590, within 60 days of sampling. Records of operating conditions and analytical data must be compiled, summarized, and maintained on site for a minimum of five years and must be made available for inspection. All data must be accompanied by a signed copy of the certification statement in § 260.22(i)(12) of this chapter. 4. (a) If, anytime after disposal of the delisted waste, Tokusen possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in Condition (1) is at a level in the leachate higher than the delisting level established in Condition (1), or is at a level in the ground water or soil higher than the health based level, then Tokusen must report such data, in writing, to the Regional Administrator within 10 days of first possessing or being made aware of that data. (b) Based on the information described in paragraph 4. (a) and any other information received from any source, the Regional Administrator will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (c) If the Regional Administrator determines that the reported information does require Agency action, the Regional Administrator will notify the facility in writing of the actions the Regional Administrator believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. The facility shall have 10 days from the date of the Regional Administrator's notice to present such information.

TABLE 1—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(d) Following the receipt of information from the facility described in paragraph 4. (c) or if no information is presented under paragraph 4. (c) the Regional Administrator will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator's determination shall become effective immediately, unless the Regional Administrator provides otherwise.
* * *	* * *	* * *

[FR Doc. 2010–23693 Filed 9–21–10; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2010–0003; Internal Agency Docket No. FEMA–8151]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.;* unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

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

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

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

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

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

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Rhode Island:				
Charlestown, Town of, Washington County.	445395	October 30, 1970, Emerg; July 13, 1972, Reg; October 19, 2010, Susp.	Oct. 19, 2010	Oct. 19, 2010.
Exeter, Town of, Washington County	440032	February 4, 1976, Emerg; March 1, 1982, Reg; October 19, 2010, Susp.	do	Do.
Hopkinton, Town of, Washington County.	440028	September 8, 1975, Emerg; March 16, 1981, Reg; October 19, 2010, Susp.	do	Do.
Narragansett Indian Tribe, Washington County.	445414	N/A, Emerg; February 14, 2005, Reg; October 19, 2010, Susp.	do	Do.
Narragansett, Town of, Washington County.	445402	September 18, 1970, Emerg; December 3, 1971, Reg; October 19, 2010, Susp.	do	Do.
New Shoreham, Town of, Washington County.	440036	October 16, 1975, Emerg; April 3, 1985, Reg; October 19, 2010, Susp.	do	Do.
North Kingstown, Town of, Washington County.	445404	September 18, 1970, Emerg; July 14, 1972, Reg; October 19, 2010, Susp.	do	Do.
Richmond, Town of, Washington County.	440031	July 7, 1975, Emerg; November 5, 1980, Reg; October 19, 2010, Susp.	do	Do.
South Kingstown, Town of, Washington County.	445407	September 11, 1970, Emerg; June 23, 1972, Reg; October 19, 2010, Susp.	do	Do.
Westerly, Town of, Washington County	445410	August 14, 1970, Emerg; July 28, 1972, Reg; October 19, 2010, Susp.	do	Do.
Region IV				
Alabama:				
Guin, City of, Marion County	010162	January 17, 1974, Emerg; September 28, 1979, Reg; October 19, 2010, Susp.	do	Do.
Hamilton, City of, Marion County	010163	December 10, 1974, Emerg; January 16, 1980, Reg; October 19, 2010, Susp.	do	Do.
Marion County, Unincorporated Areas	010161	November 6, 1975, Emerg; December 4, 1979, Reg; October 19, 2010, Susp.	do	Do.
Winfield, City of, Marion County	010164	January 23, 1974, Emerg; November 1, 1979, Reg; October 19, 2010, Susp.	do	Do.
Kentucky: Brownsville, City of, Edmonson County.	210236	June 13, 1989, Emerg; September 4, 1991, Reg; October 19, 2010, Susp.	do	Do.
Tennessee:				
Cumberland City, Town of, Stewart County.	470375	June 20, 2007, Emerg; October 19, 2010, Reg; October 19, 2010, Susp.	do	Do.
Dover, Town of, Stewart County	470237	August 19, 1988, Emerg; February 1, 1990, Reg; October 19, 2010, Susp.	do	Do.
Erin, City of, Houston County	470213	April 23, 1974, Emerg; July 17, 1986, Reg; October 19, 2010, Susp.	do	Do.
Region VI				
New Mexico:				
Deming, City of, Luna County	350038	June 2, 1975, Emerg; June 15, 1979, Reg; October 19, 2010, Susp.	do	Do.
Luna County, Unincorporated Areas	350139	August 20, 1976, Emerg; September 14, 1990, Reg; October 19, 2010, Susp.	do	Do.
Texas:				
Goliad, City of, Goliad County	480828	October 26, 1984, Emerg; August 19, 1986, Reg; October 19, 2010, Susp.	do	Do.
Goliad County, Unincorporated Areas	480827	April 19, 1996, Emerg; October 19, 2010, Reg; October 19, 2010, Susp.	do	Do.
Karnes City, City of, Karnes County	480405	June 10, 1975, Emerg; August 1, 1986, Reg; October 19, 2010, Susp.	do	Do.
Karnes County, Unincorporated Areas	481175	April 12, 1999, Emerg; April 1, 2004, Reg; October 19, 2010, Susp.	do	Do.
Kenedy, City of, Karnes County	485482	September 4, 1970, Emerg; June 25, 1971, Reg; October 19, 2010, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Maud, City of, Bowie County	480057	June 2, 1975, Emerg; December 12, 1978, Reg; October 19, 2010, Susp.	.....do	Do.
Nash, City of, Bowie County	480058	April 7, 1975, Emerg; June 21, 1977, Reg; October 19, 2010, Susp.	.....do	Do.
Redwater, Town of, Bowie County	480309	April 17, 2009, Emerg; October 19, 2010, Reg; October 19, 2010, Susp.	.....do	Do.
Upshur County, Unincorporated Areas	481036	February 27, 1981, Emerg; May 1, 1987, Reg; October 19, 2010, Susp.	.....do	Do.
Wake Village, City of, Bowie County	480061	September 24, 1974, Emerg; October 15, 1985, Reg; October 19, 2010, Susp.	.....do	Do.
Region VII				
Kansas:				
Cowley County, Unincorporated Areas	200563	February 26, 1979, Emerg; August 5, 1991, Reg; October 19, 2010, Susp.	.....do	Do.
Winfield, City of, Cowley County	200071	May 30, 1974, Emerg; March 16, 1981, Reg; October 19, 2010, Susp.	.....do	Do.
Region VIII				
South Dakota:				
Doland, Town of, Spink County	460079	May 11, 1978, Emerg; November 12, 1985, Reg; October 19, 2010, Susp.	.....do	Do.
Redfield, City of, Spink County	460081	May 22, 1975, Emerg; November 15, 1985, Reg; October 19, 2010, Susp.	.....do	Do.
Spink County, Unincorporated Areas	460076	March 28, 1978, Emerg; August 5, 1986, Reg; October 19, 2010, Susp.	.....do	Do.

.....do and Do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: September 15, 2010.

Edward L. Connor,

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

[FR Doc. 2010–23710 Filed 9–21–10; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF ENERGY

48 CFR Parts 907, 923, 936, 952, and 970

RIN 1991–AB95

Acquisition Regulation: Sustainable Acquisition

AGENCY: Department of Energy.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Energy (DOE) is amending the Department of Energy Acquisition Regulation (DEAR) to implement Executive Order 13514, Federal Leadership in Environmental, Energy and Economic Performance. The intent of the rule is to leverage agency acquisitions to foster markets for sustainable technologies and energy efficient and environmentally sustainable materials, products, and services.

DATES: *Effective Date:* October 22, 2010.

Comment Date: Submit comments to the address below by October 22, 2010.

ADDRESSES: You may submit comments on this interim final rule, identified by RIN 1991–AB95, by any of the following methods:

- Federal eRulemaking Portal at *http://www.Regulations.gov.* Follow the instructions for submitting documents.
- E-mail to *DEARrulemaking@hq.doe.gov.* Include Sustainable Acquisition and RIN 1991–AB95 in the subject line of the e-mail with a copy to *Richard.langston@hq.doe.gov.*
- Mail to Richard Langston, MA–61, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Richard Langston at 202–287–1339 or *Richard.Langston@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Section by Section Analysis
III. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under Executive Order 12988
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under the National Environmental Policy Act
F. Review Under Executive Order 13132
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 13211
J. Review Under the Treasury and General Government Appropriations Act, 2001
K. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996
L. Approval by the Office of the Secretary of Energy

I. Background

Executive Order (E.O.) 13514, Federal Leadership in Environmental, Energy and Economic Performance was issued October 5, 2009. It is being implemented in Federal contracting by FAR Case 2010–001 which is being processed concurrently with this rulemaking. This rulemaking will implement and supplement FAR Case 2010–001.

FAR Case 2010–001 was drafted in recognition of changing environmental circumstances and our Nation's heightened energy demands. These circumstances demand that the Federal Government lead by example to create a clean energy economy that will increase prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment. Executive Order 13514 requires Federal agencies to leverage agency acquisitions to foster markets for sustainable technologies and energy efficient and environmentally sustainable materials, products, and

services. Federal agencies are additionally required to design, construct, maintain and operate high performance sustainable buildings in sustainable locations.

FAR Case 2010–001 carries forward certain elements of earlier Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," issued on January 26, 2007. That Order established the policy that Federal agencies shall conduct their environmental, transportation, and energy-related activities in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.

This rulemaking implements the Executive Orders and FAR Case in DOE contracting and more specifically in contracts for the operation of DOE facilities and motor vehicle fleets.

The FAR Case is being issued as an Interim Final Rule, prior to the receipt of public comment. That is because urgent and compelling reasons exist to promulgate this action as an interim final rule, principal of which are the prior issuance of both Executive Order 13514 and E.O. 13423, which the FAR rulemaking and this rulemaking are intended to implement. The same factors warrant our issuance of this document as an Interim Final Rule. In light of Public Law 98–577, Small Business and Federal Procurement Competition Enhancement Act of 1989, and FAR 1.501, both of which require we afford the opportunity for public comment before any significant revision of the FAR System, this Interim Final Rule solicits public comments which will be fully considered before finalizing this Interim Final Rule.

II. Section by Section Analysis

1. Part 907 is amended to add a new subpart 907.1, Acquisition Plans, consisting of section 907.105(b)(16), Environmental and energy conservation objectives.

2. A new section 923.002 is added to restate a requirement of E.O. 13423 and to prescribe a clause to be used in DOE contracts for contractor operation of DOE owned facilities or fleets.

3. A new subpart 923.1, Sustainable Acquisition, is added to implement 23.101 and to explain the Department's Sustainable Acquisition Program. FAR Subpart 23.1, Sustainable Acquisition is a new Part created by FAR Case 2010–001. The new DEAR subpart 923.1 will contain sections 923.101, Policy, 923.102, Applicability to contractors, and 923.103, Contract clause.

4. Subpart 923.4, Use of Recovered Materials, containing section 923.4, Procedures, is removed as its content is duplicative of the updated FAR 23.4.

5. Subpart 923.7, Contracting for Environmentally Preferable and Energy Efficient Products and Services containing section 923.703, Policy, is removed as it is outdated.

6. A new subpart 923.9, Contractor Compliance with Environmental Management Systems, is added to implement the new FAR 23.9. It consists of section 923.903, Contract clause,

7. A new subpart 936.2, Special Aspects of Contracting for Construction, is added consisting of section 936.202–70 Specifications.

8. Part 952, Solicitation Provisions and Contract Clauses is amended to add a new clause titled 952.223–78, Sustainable acquisition program.

9. A new section 970.2301, Sustainable Acquisition is added. It consists of sections 970.2301–1, Policy, and 970.2301–2, Contract clauses.

10. Section 970.2307, Contracting for Environmentally Preferable and Energy Efficient Products and Services, including 970.2307–1, Motor vehicle fleet operations, and 970.2307–2, Contract clause, are removed.

11. The clause at 970.5223–2, Affirmative procurement program, is removed.

12. The clause at 970.5223–5, DOE Motor Vehicle Fleet Fuel Efficiency, is removed.

13. A new clause 970.5223–6, Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management is added.

14. A new clause 970.5223–7, Sustainable acquisition program, is added.

III. Procedural Requirements

A. Review Under Executive Order 12866

This regulatory action has been determined not to be a significant regulatory action under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993). Accordingly, this interim final rule is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, Civil Justice Reform (61 FR 4729, February 7, 1996), imposes on executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or that it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, these regulations meet the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This rule has been reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* which requires preparation of an initial regulatory flexibility analysis for any rule that must be proposed for public comment and which is likely to have a significant economic impact on a substantial number of small entities. The rule would not have a significant economic impact on small entities because it imposes no significant burdens. Any costs incurred by DOE contractors complying with the rule would be reimbursed under the contract.

Accordingly, DOE certifies that this rule would not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis is required and none has been prepared.

D. Review Under the Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements. Information collection or recordkeeping requirements mentioned in this rule relative to the Environmentally Preferable and Sustainable Purchasing Practices clause

of 970.5223–2 are the same burdens previously contained in the Affirmative Procurement clause being replaced by this rule. The clearance number is 1910–4100 with an expiration date of August 31, 2011.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR Part 1021, Subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because the amendments to the DEAR would be strictly procedural (categorical exclusion A6). Therefore, this rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt state law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the states and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt state law and does not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires a federal agency to perform a detailed assessment of costs and benefits of any rule imposing a federal mandate with costs to state, local or tribal governments, or to the private sector, of $100 million or more in any single year. This rule does not impose a federal mandate on state, local or tribal governments or on the private sector.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires federal agencies to issue a Family Policymaking Assessment for any rule or policy that may affect family well-being. This rule will have no impact on family well being.

I. Review Under Executive Order 13211

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires federal agencies to prepare and submit to the OIRA, OMB, a Statement of Energy Effects for any significant energy action. A "significant energy action" is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; or (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001, 44 U.S.C. 3516 note, provides for agencies to review most disseminations of information to the public under implementing guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996

As required by 5 U.S.C. 801, the Department will report to Congress promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

L. Approval by the Office of the Secretary of Energy

The Office of the Secretary of Energy has approved issuance of this final rule.

List of Subjects in 48 CFR Parts 907, 923, 936, 952 and 970

Government procurement.

Issued in Washington, DC, on September 14, 2010.

Patrick M. Ferraro,

Acting Director, Office of Procurement and Assistance Management, Office of Management, Department of Energy.

Stephen Law,

Acting Director, Office of Acquisition and Supply Management, National Nuclear Security Administration.

■ For the reasons set out in the preamble, DOE amends Chapter 9 of Title 48 of the Code of Federal Regulations as set forth below:

PART 907—ACQUISITION PLANNING

■ 1. The authority citation for part 907 is revised to read as follows:

Authority: 42 U.S.C. 7101 *et seq.,* and 50 U.S.C. 2401 *et seq.*

■ 2. Add new subpart 907.1, consisting of section 907.105, to read as follows:

Subpart 907.1—Acquisition Plans

907.105 Contents of written acquisition plans.

(b)(16) Environmental and energy conservation objectives.

Incorporate sustainable building considerations including building location and regional planning considerations into planning for new Federal facilities and leases.

PART 923—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 3. The authority citation for part 923 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

■ 4. The heading of part 923 is revised as set forth above.

■ 5. Add a new section 923.002, to part 923 to read as follows:

923.002 Policy.

(a) *Requirement.* FAR 23.002 and Section 3(e) of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, require contracts for the operation of Government-owned facilities or Government-owned motor vehicle fleets to include provisions that obligate the contractor to comply with

the requirements of Executive Order 13423 to the same extent as the Federal agency would be required to comply if the agency operated the facility or fleet.

(b) *Contract clause.* Insert the clause at 970.5223–6, Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, in contracts for Contractor operation of a DOE facility or motor vehicle fleet.

■ 6. Add a new subpart 923.1 to part 923, to read as follows:

Subpart 923.1—Sustainable Acquisition

Sec.
923.101 Policy.
923.102 Applicability to contractors.
923.103 Contract clauses.

923.101 Policy.

The Department has promoted energy efficient products as well as products with recycled or biobased content as these products have become more common and the market has become more energy and resource aware. All of these products and services and others with environmentally preferable attributes are captured in the DOE Sustainable Acquisition Program. Guidance on all these products may be found at: *http://www.hss.energy.gov/pp/epp/.*

923.102 Applicability to contractors.

Many of the Department's major facilities are operated by contractors. Provisions regarding those contracts may be found at Part 970 of this chapter. At other locations, the Department makes significant use of contractors to operate and maintain its facilities. As such, the Department encourages the greatest possible use of energy efficient and environmentally sustainable products and services by its facility support contractors. The DOE Sustainable Acquisition Program is to be followed by all contractors operating DOE facilities or motor vehicle fleets.

923.103 Contract clauses.

Insert the clause at 952.223–78, Sustainable Acquisition Program, or its Alternate I, in all contracts under which the contractor operates Government-owned facilities or Government-owned fleets or performs construction at a Government-owned facility. All such contracts should also include the following clauses: FAR 52.223–2, Affirmative Procurement of Biobased Products under Service and Construction Contracts; FAR 52.223–10, Waste Reduction Program; FAR 52.223–XX, Compliance with Environmental Management Systems (see 923.903 regarding the applicability of this clause to specific DOE contracts); FAR 52.223–15, Energy Efficiency in Energy Consuming Products; and FAR 52.223–17, Affirmative Procurement of EPA-designated Items in Service and Construction Contracts.

Subpart 923.4 [Removed]

■ 7. Remove subpart 923.4, including sections 923.405 and 923.471.

Subpart 923.7 [Removed]

■ 8. Remove subpart 923.7 including section 923.703.

■ 9. Add a new subpart 923.9 consisting of section 923.903 to read as follows:

Subpart 923.9—Contractor Compliance With Environmental Management Systems

§ 923.903 Contract clause.

The FAR Environmental Management Systems clause at 52.223–XX should be used in contracts where the contractor operates a DOE site or portion thereof. Some DOE sites have a single Environmental Management System for the site while others have separate Environmental Management Systems for various portions of the site which may be operated by different contractors. Check with local environmental management personnel regarding the applicability of the FAR 52.223–XX clause to a specific contract.

PART 936—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 10. The authority citation for part 936 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

■ 11. Add a new section 936.202–71 to subpart 936.2 to read as follows:

936.202–71 Specifications.

When developing specifications for the work to be performed, plan for ways to ensure that construction and demolition debris can be diverted or recycled in sufficient quantities as to ensure that the Agency goal from section 2(e) of Executive Order 13514 of diverting at least 50% of the debris stream may be attained.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 12. The authority citation for part 952 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

■ 13. Add a new section 952.223–78, to read as follows:

952.223–78 Sustainable acquisition program.

In accordance with 923.103 insert the following clause or its Alternate I in all contracts under which the contractor operates Government-owned facilities, motor vehicle fleets, or significant portions thereof or performs construction at a DOE facility.

SUSTAINABLE ACQUISITION PROGRAM (OCT 2010)

(a) Pursuant to Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, the Department of Energy (DOE) is committed to managing its facilities in an environmentally preferable and sustainable manner that will promote the natural environment and protect the health and well being of its Federal employees and contractor service providers. In the performance of work under this contract, the Contractor shall provide its services in a manner that promotes the natural environment, reduces greenhouse gas emissions and protects the health and well being of Federal employees, contract service providers and visitors using the facility.

(b) Green purchasing or sustainable acquisition has several interacting initiatives. The Contractor must comply with initiatives that are current as of the contract award date. DOE may require compliance with revised initiatives from time to time. The Contractor may request an equitable adjustment to the terms of its contract using the procedures in the Changes clause of the contract. The initiatives important to these Orders are explained on the following Government or Industry Internet Sites:

(1) Recycled Content Products are described at *http://epa.gov/cpg.*

(2) Biobased Products are described at *http://www.biopreferred.gov/.*

(3) Energy efficient products are at *http://energystar.gov/products* for Energy Star products.

(4) Energy efficient products are at *http://www.femp.energy.gov/procurement* for FEMP designated products.

(5) Environmentally preferable and energy efficient electronics including desktop computers, laptops and monitors are at *http://www.epeat.net* the Electronic Products Environmental Assessment Tool (EPEAT) the Green Electronics Council site.

(6) Green house gas emission inventories are required, including Scope 3 emissions which include contractor emissions. These are discussed at Section 13 of Executive Order 13514 which can be found at *http://www.archives.gov/federal-register/executive-orders/disposition.html.*

(7) Non-Ozone Depleting Alternative Products are at *http://www.epa.gov/ozone/strathome.html.*

(8) Water efficient plumbing products are at *http://epa.gov/watersense.*

(c) The clauses at FAR 52.223–2, Affirmative Procurement of Biobased

Products under Service and Construction Contracts, 52.223–15, Energy Efficiency in Energy Consuming Products, and 52.223–17 Affirmative Procurement of EPA–Designated Items in Service and Construction Contracts, require the use of products that have biobased content, are energy efficient, or have recycled content. To the extent that the services provided by the Contractor require provision of any of the above types of products, the Contractor must provide the energy efficient and environmentally sustainable type of product unless that type of product—

(1) Is not available;

(2) Is not life cycle cost effective or does not exceed 110% of the price of alternative items if life cycle cost data is unavailable (EPEAT is an example of lifecycle costs that have been analyzed by DOE and found to be acceptable at the silver and gold level);

(3) Does not meet performance needs; or,

(4) Cannot be delivered in time to meet a critical need.

(d) In the performance of this contract, the Contractor shall comply with the requirements of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, (*http://www.epa.gov/greeningepa/practices/eo13423.htm*) and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (*http://www.archives.gov/federal-register/executive-orders/disposition.html*). The Contractor shall also consider the best practices within the DOE Acquisition Guide, Chapter 23, *Acquisition Considerations Regarding Federal Leadership in Environmental, Energy, and Economic Performance.* This guide includes information concerning recycled content products, biobased products, energy efficient products, water efficient products, alternative fuels and vehicles, non-ozone depleting substances and other environmentally preferable products and services. This guide is available on the Internet at: *http://management.energy.gov/documents/AcqGuide23pt0Rev1.pdf.*

(e) Contractors must establish and maintain a documented energy management program which includes requirements for energy and water efficient equipment, EnergyStar or WaterSense, as applicable and procedures for verification of purchases, following the criteria in DOE Order 430.2B, Departmental Energy, Renewable Energy, and Transportation Management, Attachment 1, or its successor to the extent required elsewhere in the contract. This requirement should not be flowed down to subcontractors.

(f) In complying with the requirements of paragraph (c) of this clause, the Contractor(s) shall coordinate its activities with and submit required reports through the Environmental Sustainability Coordinator or equivalent position. Reporting under this paragraph and paragraphs (g) and (h) of this clause is only required if the contract or subcontract offers subcontracting opportunities for energy efficient and environmentally sustainable products or services exceeding $100,000 in any contract year.

(g) The Contractor shall prepare and submit performance reports, if required, using prescribed DOE formats, at the end of the Federal fiscal year, on matters related to the acquisition of environmentally preferable and sustainable products and services. This is a material delivery under the contract. Failure to perform this requirement may be considered a failure that endangers performance of this contract and may result in termination for default.

(h) These provisions shall be flowed down only to first tier subcontracts exceeding the simplified acquisition threshold that support operation of the DOE facility and offer significant subcontracting opportunities for energy efficient or environmentally sustainable products or services. The Subcontractor, if subcontracting opportunities for sustainable and environmentally preferable products or services exceed the threshold in paragraph (f) of this clause, will comply with the procedures in paragraphs (c) through (f) of this clause regarding the collection of all data necessary to generate the reports required under paragraphs (c) through (f) of this clause, and submit the reports directly to the Prime Contractor's Environmental Sustainability Coordinator at the supported facility. The Subcontractor will advise the Contractor if it is unable to procure energy efficient and environmentally sustainable items and cite which of the reasons in paragraph (c) of this clause apply. The reports may be submitted at the conclusion of the subcontract term provided that the subcontract delivery term is not multi-year in nature. If the delivery term is multi-year, the Subcontractor shall report its accomplishments for each Federal fiscal year in a manner and at a time or times acceptable to both parties. Failure to comply with these reporting requirements may be considered a breach of contract with attendant consequences.

(i) When this clause is used in a subcontract, the word "Contractor" will be understood to mean "Subcontractor."

(End of Clause)

Alternate I for Construction Contracts and Subcontracts (OCT 2010)—When contracting for construction, alteration, or renovation of DOE facilities, substitute the following paragraphs (d) through (i):

(d) In the performance of this contract, the Contractor shall comply with the requirements of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, (*http://www.epa.gov/greeningepa/practices/eo13423.htm*) and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (*http://www.archives.gov/federal-register/executive-orders/disposition.html*). The Contractor shall also consider the best practices within the DOE Acquisition Guide, Chapter 23, *Acquisition Considerations Regarding Federal Leadership in Environmental, Energy, and Economic Performance.* This guide includes information concerning recycled content products, biobased products, energy efficient products, water efficient products, alternative fuels and vehicles, non-ozone depleting substances and other environmentally preferable products and services. This guide is available on the Internet at: *http://management.energy.gov/documents/AcqGuide23pt0Rev1.pdf.* When developing the Bill of Materials for approval of the Contracting Officer or Representative, the contractor shall specify energy efficient and environmentally sustainable materials to the extent possible within the constraints of the general design specifications. Compliance with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (Guiding Principles) shall be achieved through certification to the Leadership in Energy and Environmental Design (LEED) Gold level under the LEED rating system most suited to the building type.

(e) [Reserved]

(f) In complying with the requirements of paragraph (c) of this clause, the Contractor(s) shall coordinate its activities with and submit required reports through the Environmental Sustainability Coordinator or equivalent position. Reporting under this paragraph and paragraphs (g) and (h) of this clause is only required if the contract or subcontract offers subcontracting opportunities for energy efficient and environmentally sustainable products or services exceeding $100,000 in any contract year, except for reporting on high performance sustainable buildings which may be required elsewhere in this contract.

(g) The Contractor shall prepare and submit performance reports using prescribed DOE formats, at the end of the Federal fiscal year, on matters related to the acquisition of energy efficient and environmentally and sustainable products and services. This is a material delivery under the contract. Failure to perform this requirement may be considered a failure that endangers performance of this contract and may result in termination for default.

(h) These provisions shall be flowed down only to first tier construction subcontracts exceeding the simplified acquisition threshold that support operation of the DOE facility and offer significant opportunities for designating energy efficient or environmentally sustainable products or services in the materials selection process. The subcontractor, if subcontracting opportunities for sustainable and environmentally preferable products or services exceed the threshold in paragraph (f) of this clause, will comply with the procedures in paragraphs (c) through (f) of this clause regarding the collection of all data necessary to generate the reports required under paragraphs (c) through (f) of this clause, and submit the reports directly to the Prime Contractor's Environmental Sustainability Coordinator at the supported facility. The subcontractor will advise the contractor if it is unable to procure energy efficient and environmentally sustainable items and cite which of the reasons in paragraph (c) of this clause apply. The reports may be submitted at the conclusion of the subcontract term provided that the subcontract delivery term is not multi-year in nature. If the delivery term is multi-year, the subcontractor shall report its accomplishments for each Federal fiscal year in a manner and at a time or times acceptable to both parties. Failure to comply with these

reporting requirements may be considered a breach of contract with attendant consequences.

(i) When this clause is used in a subcontract, the word "Contractor" will be understood to mean "Subcontractor."

(End of Clause)

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

■ 14. The authority citation for part 970 continues to read as follows:

Authority: 42 U.S.C. 2201, 2282a, 2282b, 2282c; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 15. Add new sections 970.2301, 970.2301–1, and 970.2301–2 to subpart 970.23 to read as follows:

970.2301 Sustainable acquisition.

970.2301–1 Policy.

There are many environmentally beneficial and resource efficient programs described in various subparts of FAR Part 23. For ease of use, DOE refers to all of these as the DOE Sustainable Acquisiton Program with guidance for the many products at *http://www.hss.energy.gov/pp/epp.* Contractors operating DOE facilities shall comply with the requirements of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance. The contractor shall also consider the best practices within the DOE Acquisition Guide, Chapter 23, *Acquisition Considerations Regarding Federal Leadership in Environmental, Energy, and Economic Performance.*

970.2301–2 Contract clauses.

(a) Section 3(f) of Executive Order 13423 requires contractors to comply with the provisions of the Order to the same extent as the Federal agency would be required to comply if it operated the facility or fleet. Insert the clause at 970.5223–6, Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management, in such contracts.

(b) Insert the clause at 970.5223–6, Sustainable and Environmentally Preferable Purchasing Practices, or its Alternate I in contracts for the management and operation of DOE facilities, or other contracts under which the contractor manages Government facilities or fleets, or conducts mission operations at Government facilities, or performs construction at DOE facilities. Inclusion of this contract clause applies to contractors that are responsible for the management and operation of the DOE's facilities or the conduct of mission operations at the Department's facilities, including elements of the National Nuclear Security Administration (NNSA), the Power Marketing Administrations, and the National Laboratories. All such contracts should also include the following clauses: FAR 52.223–2, Affirmative Procurement of Biobased Products under Service and Construction Contracts; FAR 52.223–10, Waste Reduction Program; FAR 52.223–XX, Compliance with Environmental Management Systems (see 923.903 regarding the applicability of this clause to specific DOE contracts); FAR 52.223–15, Energy Efficiency in Energy Consuming Products; and FAR 52.223–17, Affirmative Procurement of EPA-designated Items in Service and Construction Contracts.

970.2304, 970.2304–1 and 970.2304–2 [Removed]

■ 16. Remove sections 970.2304, 970.2304–1 and 970.2304–2.

970.2307, 970.2307–1, and 970.2307–2 [Removed]

■ 17. Remove sections 970.2307, 970.2307–1 and 970.2307–2.

970.5223–2 and 970.5223–5 [Removed]

■ 18. Remove 970.5223–2 and 970.5223–5.

■ 19. Add 970.5223–6 to subpart 970.52 to read as follows:

970.5223–6 Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management.

In accordance with the prescriptions at 923.002(b) or 970.2301–2(b), insert the following in contracts for the operation of a DOE facility or motor vehicle fleet.

EXECUTIVE ORDER 13423, STRENGTHENING FEDERAL ENVIRONMENTAL, ENERGY, AND TRANSPORTATION MANAGEMENT (OCT 2010)

Since this contract involves Contractor operation of Government-owned facilities and/or motor vehicles, the provisions of Executive Order 13423 are applicable to the Contractor to the same extent they would be applicable if the Government were operating the facilities or motor vehicles. Information on the requirements of the Executive Order may be found at *http://www.archives.gov/federal-register/executive-orders/.*

(End of Clause)

■ 20. Add a new section 970.5223–7 to part 970, to read as follows:

970.5223–7 Sustainable acquisition program.

As prescribed in 970.2301–2, insert the following clause in contracts:

SUSTAINABLE ACQUISITION PROGRAM (OCT 2010)

(a) Pursuant to Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance, the Department of Energy (DOE) is committed to managing its facilities in an environmentally preferable and sustainable manner that will promote the natural environment and protect the health and well being of its Federal employees and contractor service providers. In the performance of work under this contract, the Contractor shall provide its services in a manner that promotes the natural environment, reduces greenhouse gas emissions and protects the health and well being of Federal employees, contract service providers and visitors using the facility.

(b) Green purchasing or sustainable acquisition has several interacting initiatives. The Contractor must comply with initiatives that are current as of the contract award date. DOE may require compliance with revised initiatives from time to time. The Contractor may request an equitable adjustment to the terms of its contract using the procedures at 48 CFR 970.5243–1 Changes. The initiatives important to these Orders are explained on the following Government or Industry Internet Sites:

(1) Recycled Content Products are described at *http://epa.gov/cpg.*

(2) Biobased Products are described at *http://www.biopreferred.gov/.*

(3) Energy efficient products are at *http://energystar.gov/products* for Energy Star products.

(4) Energy efficient products are at *http://www.femp.energy.gov/procurement* for FEMP designated products.

(5) Environmentally preferable and energy efficient electronics including desktop computers, laptops and monitors are at *http://www.epeat.net* the Electronic Products Environmental Assessment Tool (EPEAT) the Green Electronics Council site.

(6) Green house gas emission inventories are required, including Scope 3 emissions which include contractor emissions. These are discussed at Section 13 of Executive Order 13514 which can be found at *http://www.archives.gov/federal-register/executive-orders/disposition.html.*

(7) Non-Ozone Depleting Alternative Products are at *http://www.epa.gov/ozone/strathome.html.*

(8) Water efficient plumbing products are at *http://epa.gov/watersense.*

(c) The clauses at FAR 52.223–2, Affirmative Procurement of Biobased Products under Service and Construction Contracts, 52.223–15, Energy Efficiency in Energy Consuming Products, and 52.223–17 Affirmative Procurement of EPA–Designated Items in Service and Construction Contracts, require the use of products that have biobased content, are energy efficient, or

have recycled content. To the extent that the services provided by the Contractor require provision of any of the above types of products, the Contractor must provide the energy efficient and environmentally sustainable type of product unless that type of product—

(1) Is not available;

(2) Is not life cycle cost effective (or does not exceed 110% of the price of alternative items if life cycle cost data is unavailable), EPEAT is an example of lifecycle costs that have been analyzed by DOE and found to be acceptable at the silver and gold level;

(3) Does not meet performance needs; or,

(4) Cannot be delivered in time to meet a critical need.

(d) In the performance of this contract, the Contractor shall comply with the requirements of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, (*http://www.epa.gov/greeningepa/practices/eo13423.htm*) and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (*http://www.archives.gov/federal-register/executive-orders/disposition.html*). The Contractor shall also consider the best practices within the DOE Acquisition Guide, Chapter 23, *Acquisition Considerations Regarding Federal Leadership in Environmental, Energy, and Economic Performance.* This guide includes information concerning recycled content products, biobased products, energy efficient products, water efficient products, alternative fuels and vehicles, non ozone depleting substances and other environmentally preferable products and services. This guide is available on the Internet at: *http://management.energy.gov/documents/AcqGuide23pt0Rev1.pdf.*

(e) Contractors must establish and maintain a documented energy management program which includes requirements for energy and water efficient equipment, EnergyStar or WaterSense, as applicable and procedures for verification of purchases, following the criteria in DOE Order 430.2B, Departmental Energy, Renewable Energy, and Transportation Management, Attachment 1, or its successor. This requirement should not be flowed down to subcontractors.

(f) In complying with the requirements of paragraph (c) of this clause, the Contractor shall coordinate its activities with and submit required reports through the Environmental Sustainability Coordinator or equivalent position.

(g) The Contractor shall prepare and submit performance reports using prescribed DOE formats, at the end of the Federal fiscal year, on matters related to the acquisition of environmentally preferable and sustainable products and services. This is a material delivery under the contract. Failure to perform this requirement may be considered a failure that endangers performance of this contract and may result in termination for default [see FAR 52.249–6, Termination (Cost Reimbursement)].

(h) These provisions shall be flowed down only to first tier subcontracts exceeding the simplified acquisition threshold that support operation of the DOE facility and offer significant subcontracting opportunities for energy efficient or environmentally sustainable products or services. The Subcontractor will comply with the procedures in paragraphs (c) through (f) of this clause regarding the collection of all data necessary to generate the reports required under paragraphs (c) through (f) of this clause, and submit the reports directly to the Prime Contractor's Environmental Sustainability Coordinator at the supported facility. The Subcontractor will advise the Contractor if it is unable to procure energy efficient and environmentally sustainable items and cite which of the reasons in paragraph (c) of this clause apply. The reports may be submitted at the conclusion of the subcontract term provided that the subcontract delivery term is not multi-year in nature. If the delivery term is multi-year, the Subcontractor shall report its accomplishments for each Federal fiscal year in a manner and at a time or times acceptable to both parties. Failure to comply with these reporting requirements may be considered a breach of contract with attendant consequences.

(i) When this clause is used in a subcontract, the word "Contractor" will be understood to mean "Subcontractor."

(End of Clause)

Alternate I for Construction Contracts and Subcontracts (OCT 2010)—When contracting for construction, alteration, or renovation of DOE facilities, substitute the following paragraphs (d) through (i):

(d) In the performance of this contract, the Contractor shall comply with the requirements of Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management, (*http://www.epa.gov/greeningepa/practices/eo13423.htm*) and Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance (*http://www.archives.gov/federal-register/executive-orders/disposition.html*). The Contractor shall also consider the best practices within the DOE Acquisition Guide, Chapter 23, *Acquisition Considerations Regarding Federal Leadership in Environmental, Energy, and Economic Performance.* This guide includes information concerning recycled content products, biobased products, energy efficient products, water efficient products, alternative fuels and vehicles, non-ozone depleting substances and other environmentally preferable products and services. This guide is available on the Internet at: *http://management.energy.gov/documents/AcqGuide23pt0Rev1.pdf.* When developing the Bill of Materials for approval of the Contracting Officer or Representative, the contractor shall specify energy efficient and environmentally sustainable materials to the extent possible within the constraints of the general design specifications. Compliance with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings* (Guiding Principles) shall be achieved through certification to the Leadership in Energy and Environmental Design (LEED) Gold level under the LEED rating system most suited to the building type.

(e) [Reserved]

(f) In complying with the requirements of paragraph (c) of this clause, the Contractor(s) shall coordinate its activities with and submit required reports through the Environmental Sustainability Coordinator or equivalent position.

(g) The Contractor shall prepare and submit performance reports using prescribed DOE formats, at the end of the Federal fiscal year, on matters related to the acquisition of energy efficient and environmentally sustainable products and services. This is a material delivery under the contract. Failure to perform this requirement may be considered a failure that endangers performance of this contract and may result in termination for default, see 48 CFR 52.249–6, Termination (Cost Reimbursement).

(h) These provisions shall be flowed down only to first tier construction subcontracts exceeding the simplified acquisition threshold that support operation of the DOE facility and offer significant opportunities for designating energy efficient or environmentally sustainable products or services in the materials selection process. The subcontractor will comply with the procedures in paragraphs (c) through (f) of this clause regarding the collection of all data necessary to generate the reports required under paragraphs (c) through (f) of this clause, and submit the reports directly to the Prime Contractor's Environmental Sustainability Coordinator at the supported facility. The subcontractor will advise the contractor if it is unable to procure energy efficient and environmentally sustainable items and cite which of the reasons in paragraph (c) of this clause apply. The reports may be submitted at the conclusion of the subcontract term provided that the subcontract delivery term is not multi-year in nature. If the delivery term is multi-year, the subcontractor shall report its accomplishments for each Federal fiscal year in a manner and at a time or times acceptable to both parties. Failure to comply with these reporting requirements may be considered a breach of contract with attendant consequences.

(i) When this clause is used in a subcontract, the word "Contractor" will be understood to mean "Subcontractor."

(End of Clause)

[FR Doc. 2010–23655 Filed 9–21–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 385

Change to FMCSA Policy on Calculating and Publicizing the Driver, Vehicle, and Hazardous Materials Out-of-Service Rates and Crash Rates

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of enforcement policy amendment.

SUMMARY: Under 49 CFR 385.407 FMCSA may not issue a hazardous materials safety permit (HMSP) to a motor carrier having a crash rate, or driver, vehicle, or hazardous materials (HM) out-of-service (OOS) rate in the top 30 percent of the national average. This document revises the date used to calculate the threshold crash and OOS rates, from calendar year cycles to fiscal year cycles, from October 1 of a given year to September 30 of the following year. This will provide motor carriers and the industry a 3-month preview of the crash and OOS rates FMCSA uses to determine HMSP eligibility, before the motor carrier HMSP registration cycle begins on January 1.

DATES: *Effective Date:* This policy amendment is effective October 1, 2010.

FOR FURTHER INFORMATION CONTACT: Roxane Greene at *roxane.greene@dot.gov* or (202) 366–0735; or Paul Bomgardner at *paul.bomgardner@dot.gov* or (202) 493–0027. Both staff members may be reached at FMCSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On November 7, 2007, FMCSA published a Notice of Enforcement Policy (72 FR 62795) explaining how the Agency calculates the top 30 percent of the national average for crash rates, and for driver, vehicle and hazardous materials OOS rates, and determines whether a given motor carrier falls within the top 30 percent of the national average in each of these categories.

49 CFR part 385, subpart E identifies which motor carriers must hold a HMSP, establishes the application process for a HMSP, and specifies the conditions that must satisfy to qualify for this permit. Section 385.407 requires that a carrier have a "Satisfactory" safety rating, certify that it has a satisfactory security program, and be properly registered with the Pipeline and Hazardous Materials Safety Administration (PHMSA). In addition, as specified under Section 385.407(a)(2), FMCSA will not issue a HMSP to a motor carrier having a crash rate in the top 30 percent of the national average, as indicated in the FMCSA Motor Carrier Management Information System (MCMIS), or a driver, vehicle, HM, or total OOS rate in the top 30 percent of the national average as indicated in the MCMIS.

The HMSP requirement became effective for motor carriers after January 1, 2005, when the motor carrier was required to file a Motor Carrier Identification Report Form (MCS–150), as set forth in 49 CFR 390.19. A motor carrier is required to file its MCS–150 form with FMCSA every two years. The application for the HMSP was incorporated into the MCS–150, as an expanded version of the form entitled "MCS–150B or Combined Motor Carrier Identification Report and HM Permit Application." Thus, the HMSP must be renewed every two years.

In early January 2005, FMCSA published on its public Web site the calculation for determining the national average crash rate and the driver, vehicle and HM OOS rates that established the threshold for the "top 30 percent of the national average". The Web site also explained how a carrier can calculate its own crash and OOS rates.

To calculate the threshold figure that determines the top (worst-performing) 30 percent of the national average, FMCSA looked at the crash rates and driver, vehicle, and HM OOS percentage rates of all carriers (HM and non-HM) for the prior two calendar years. The Agency then determined the numerical threshold value relative to which 70 percent of all carriers have a driver, vehicle, or HM OOS percentage rate lower than that figure, and 30 percent of the carriers have a driver, vehicle, or HM OOS percentage rate that is higher. The FMCSA Web site provided notice to the regulated community on how FMCSA would establish the national averages and threshold figures for the top, or worst-performing, 30 percent of the motor carrier population. The Agency recalculates and publishes these threshold rates on its Web site every 2 years. Upon publication, the threshold rates remain effective for the 2-year registration period of the HMSP program. For example, in January 2009, using data for calendar years 2007 and 2008, FMCSA recalculated and published on its Web site the threshold crash rates and driver, vehicle, and HM OOS rates establishing the top 30 percent of the national average (*see http://www.safer.fmcsa.dot.gov/HazmatRatesPost.pdf*). These rates provide the standard for granting or denying HMSPs during the calendar year (CY) 2009 to 2011 registration cycle.

Table 1 below shows the calculated threshold rates establishing the top 30 percent of the national average for the registration years CY 2005 through 2010:

Table 1 below shows the calculated threshold rates establishing the top 30 percent of the national average for the registration years CY 2005 through 2010:

TABLE 1—CALCULATED THRESHOLD RATES FOR CY 2005 THROUGH 2010

Registration years (calendar years)	Crash rate	Driver OOS rate (percent)	Vehicle OOS rate (percent)	HM OOS rate
2005 & 2006	0.125	8.92	33.3	5.88
2007 & 2008	0.125	9.52	33.3	6.06
2009 & 2010	0.125	9.09	33.3	4.76

OEC Calculation of Crash Rate and OOS Rates on a Fiscal Year Basis

The threshold for crash rates, and driver, vehicle and HM OOS rates were, and will continue to be, recalculated every 2 years using the crash and OOS data from the previous 2 years. The FMCSA is only revising the date from which the data from the 2-year period will be calculated. The 2-year period will now be measured by the federal fiscal year (October 1 to September 30), instead of calendar year (January 1 to December 31). This change will take effect prior to the next registration cycle for the HMSP program starting in 2011. To determine the rates for the next registration cycle, 2011 to 2012, FMCSA will use two years of crash and OOS data to calculate the threshold rates for the top 30 percent of the national average using data from fiscal years 2009, (October 1, 2008, to September 30, 2009), and 2010, (October 1, 2009, to September 30, 2010). Accordingly, the threshold rates for registration year 2011 and 2012 will be calculated on October 1, 2010, and published on the FMCSA Web site shortly thereafter, and will be effective for the registration period commencing January 1, 2011. This change will provide motor carriers with

a 3-month preview of the crash and OOS rates that will be effective for the issuance of HMSPs during the following 2-year registration period.

Carriers' Calculation of Their OOS Rates and Crash Rate

When a motor carrier submits an HMSP application through the MCS–150B process, FMCSA examines one year (12 months) of the carrier's crash and OOS data. This policy is consistent with Agency's practice of reviewing one year of motor carrier records during the conduct of a compliance review. The period examined is the 12 months immediately preceding the date that the application is received and processed. A motor carrier must, therefore, calculate its vehicle, driver, and HM OOS rates in each of the three categories by examining the number of inspections and OOS violations during the preceding 12-month period. To determine its OOS rate, the carrier would divide the number of OOS violations by the total number of inspections for each category. The resulting figure is the motor carrier's OOS rate for the category.

The FMCSA likewise examines one year of crash data to determine a carrier's crash rate. A motor carrier will divide the number of crashes for the previous 12-month period by the total number of power units that it operated during that period. For example, if a motor carrier had 2 crashes and 10 power units, the crash rate would be 0.20 based upon a calculation of (2/10 = 0.20). The FMCSA does not consider a single crash to be statistically valid. Thus, crash rates will be calculated only for carriers with more than one crash in the previous 12-month period.

Upcoming Registration Cycles Under the HMSP Program

TABLE 2—UPCOMING REGISTRATION CYCLES

Upcoming registration years (or cycles)	OOS rates calculated and publicized for industry preview	OOS rates implemented by FMCSA Office of Enforcement and Compliance
CY 2011 & 2012	FY 2010 (Oct. 1, 2009)	January 1, 2011 to December 31, 2012.
CY 2013 & 2014	FY 2012 (Oct. 1, 2011)	January 1, 2013 to December 31, 2014.
CY 2015 & 2016	FY 2014 (Oct. 1, 2013)	January 1, 2015 to December 31, 2016.

The OOS rates based on a 2-fiscal year cycle will be effective for the 2-year registration cycle as the above table illustrates, beginning the following January, and will remain in effect for the entire 2 calendar years of the registration cycle. For example, the OOS rates calculated on October 1, 2010, will be published on the FMCSA Web site for preview, become effective for purposes of HMSP review on January 1, 2011, and will remain in effect through December 31, 2012. The OOS rates will then be re-calculated and published on October 1, 2012, for the following registration cycle, and enforced starting January 1, 2013.

Issued on: August 31, 2010.

Anne S. Ferro,

Administrator.

[FR Doc. 2010–23440 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting and Fishing

CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 385, in § 32.43, the entry for "Coldwater National Wildlife Refuge" is moved to precede the entry for "Dahomey National Wildlife Refuge" on page 383.

[FR Doc. 2010–23769 Filed 9–21–10; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting and Fishing

CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 406, in § 32.45, the second entry for "Northwest Montana Wetland Management District" is removed.

[FR Doc. 2010–23771 Filed 9–21–10; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Hunting and Fishing

CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 326, in § 32.35, in the entry for "Marais des Cygnes National Wildlife Refuge" , the heading and introductory text for paragraph A. is reinstated to read as follows:

§ 32.35 Kansas.

* * * * *

Marais des Cygnes National Wildlife Refuge

A. *Migratory Game Bird Hunting.* We allow hunting of goose, duck, coot, rail, snipe, woodcock, and mourning dove on designated areas of the refuge in accordance with State regulations subject to the following conditions:

* * * * *

[FR Doc. 2010–23774 Filed 9–21–10; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 635

[Docket No. 100729315–0331–01]

RIN 0648–BA12

Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (*Kajikia albidus*), Roundscale Spearfish (*Tetrapturus georgii*)

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

ACTION: Interpretive rule and Final Action.

SUMMARY: This document combines two actions, an interpretive rule and a final action that both affect management of Atlantic billfishes. The interpretive rule adds the recently recognized species, roundscale spearfish (*Tetrapturus georgii*), to the definition of terms in the implementing regulations of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Atlantic HMS regulations. The final action will recognize the change of the genus of

white marlin from *Tetrapturus* to *Kajikia* in the implementing regulations of the MSA and the Atlantic HMS regulations to reflect a recent taxonomic change. The intent of this interpretive rule and final action is to accurately and appropriately reflect the latest species determinations and taxonomic classification nomenclature, respectively. They will have no practical effect on management of Atlantic billfish.

DATES: This rule is effective on January 1, 2011.

ADDRESSES: Copies of this action and related documents can be obtained by writing to the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910, visiting the HMS website at *http://www.nmfs.noaa.gov/sfa/hms/*, or by contacting Rick Pearson, Randy Blankinship, or Greg Fairclough.

FOR FURTHER INFORMATION CONTACT: Rick Pearson, Randy Blankinship, or Greg Fairclough by phone at 727–824–5399, or by fax at 727–824–5398.

SUPPLEMENTARY INFORMATION:

Background

Atlantic HMS are managed under the dual authority of the MSA and the Atlantic Tunas Conservation Act (ATCA). Under the MSA, NMFS must manage fisheries to maintain optimum yield, rebuild overfished fisheries, and prevent overfishing. Under ATCA, NMFS is authorized to promulgate regulations, as may be necessary and appropriate, to implement recommendations by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Currently, Atlantic billfish managed by NMFS include Atlantic blue marlin (*Makaira nigricans*), white marlin (*Tetrapturus albidus*), sailfish (*Istiophorus platypterus*), and longbill spearfish (*Tetrapturus pfluegeri*). Atlantic billfish management strategies have been guided by international and domestic considerations and mechanisms since the 1970s.

Domestic management of Atlantic billfish resources has been developed, modified, and implemented in three primary stages through a series of rulemakings. In January 1978, under the authority delegated to it by the Secretary of Commerce, NMFS developed and published the Preliminary Fishery Management Plan (PMP) for Atlantic Billfish and Sharks (43 FR 3818), which was supported by an Environmental Impact Statement (42 FR 57716). The management measures contained in the plan were designed to minimize conflict between domestic and foreign users of billfish and shark resources, encourage development of an international management regime, and maintain availability of billfishes and sharks to the expanding U.S. fisheries.

Building upon the 1978 PMP for Atlantic Billfish and Sharks was the 1988 Fishery Management Plan (FMP) for the Atlantic Billfishes (53 FR 21501). This plan was jointly developed by five Atlantic Regional Fishery Management Councils (Caribbean, Gulf, South Atlantic, Mid-Atlantic, and New England) and implemented in October 1988 (53 FR 37765). The 1988 FMP defined the Atlantic billfish management unit to include sailfish from the western Atlantic Ocean, white marlin and blue marlin from the North Atlantic Ocean, and longbill spearfish from the entire Atlantic Ocean; described objectives for the Atlantic billfish fishery; and established management measures to achieve those objectives, including establishing a ban on retention of billfish on commercial fishing vessels.

In 1990, the MSA was amended, giving the Secretary of Commerce authority to manage: Atlantic tunas, listed by species; oceanic sharks; and, Atlantic swordfish, marlin, and sailfish, listed by genus. The Secretarial authority was delegated to NMFS, and NMFS created the HMS Management Division in 1992. NMFS understood Congressional intent to be maintenance of the management unit over all Atlantic billfishes.

Reauthorization of the MSA in 1996 initiated fundamental changes in U.S. fishery management policy by shifting emphasis to precautionary management strategies. In September 1997, NMFS identified fishery resources that were considered to be overfished, including Atlantic blue and white marlin. This action triggered a suite of management requirements, including the development of rebuilding plans for overfished stocks, and reductions in bycatch and bycatch mortality. Further, in 1998, western Atlantic sailfish was added to the list of overfished species. In the international arena, ICCAT made its first-ever binding recommendation for Atlantic blue and white marlin in 1997 (Recommendation 97–09). Recommendation 97–09 required landing reductions of at least 25 percent from 1996 levels by the end of 1999. Improvements in data and monitoring were also included in this recommendation.

On March 24, 1998, NMFS published an interim rule (63 FR 14030) that increased the minimum size limits for Atlantic blue marlin and Atlantic white marlin to 96 inches lower jaw-fork length (LJFL) and 66 inches LJFL, respectively, and required tournament operators to notify NMFS of tournaments involving any Atlantic billfish at least four weeks prior to commencement of tournament fishing. NMFS utilized the increases in size limits to immediately reduce overfishing, and to implement the 1997 ICCAT recommendation, as required by ATCA. NMFS published an extension and amendment of the interim rule on September 29, 1998 (63 FR 51859).

In response to MSA requirements, and concurrent with efforts on the interim rule discussed above, NMFS prepared Amendment One to the Atlantic Billfish FMP and published final regulations on May 28, 1999 (64 FR 29090). Amendment One maintained the objectives of the original 1988 Billfish FMP and identified additional objectives. Amendment One also redefined the management unit for Atlantic blue marlin and Atlantic white marlin as the waters of the entire Atlantic Ocean and maintained the management unit definitions of longbill spearfish and sailfish from the 1988 FMP.

In November 2000, ICCAT adopted an additional recommendation regarding Atlantic billfish (Recommendation 00–13), including an international two-phased rebuilding plan for Atlantic blue and white marlin. Phase I of the plan required that countries (other than the United States) capturing marlins in commercial fisheries reduce white marlin landings from pelagic longline and purse seine fisheries by 67 percent and blue marlin landings by 50 percent from 1999 levels. ICCAT adopted the marlin rebuilding strategy based on stock assessments which indicated that marlin stocks continued to be severely overfished. Recommendation 00–13 also recommended that the United States restrict annual landings by U.S. recreational fishermen to 250 Atlantic blue and white marlin, combined, for 2001 and 2002 (Phase I). This Recommendation was subsequently extended through 2006.

In 2002, Phase I of the ICCAT Atlantic marlin rebuilding plan was extended through the year 2005 by adoption of ICCAT Recommendation 02–13. ICCAT amended the rebuilding program by specifying that, through 2005, the annual amount of blue marlin that can be harvested and retained by pelagic longline and purse seine vessels must be no more than 50 percent of the 1996 or 1999 landing levels, whichever is greater. For white marlin, the annual amount allowed to be harvested and retained by pelagic longline and purse seine vessels must be no more than 33

percent of the 1996 or 1999 landing levels, whichever is greater. The United States had already prohibited commercial retention of billfish since the implementation of the 1988 Atlantic Billfish FMP, so it was already compliant with this recommendation. For ICCAT members other than the United States, the plan required the release of all live marlins taken as bycatch in commercial fisheries, but provided an allowance for the landing of fish unavoidably killed, provided that they were not sold. For its part of the rebuilding program, the United States agreed to continue limiting recreational landings of Atlantic blue and white marlin to 250 fish, annually, maintain its regulations prohibiting the retention of marlins by U.S. pelagic longline vessels, and continue monitoring billfish tournaments.

On December 18, 2002 (67 FR 77434), NMFS published a final rule requiring all vessel owners fishing for Atlantic HMS to obtain an Atlantic HMS recreational Angling category permit. On January 7, 2003 (68 FR 711), NMFS published a final rule establishing a mandatory reporting system for all non-tournament recreational landings of Atlantic marlins, sailfish, and swordfish, effective in March 2003. These requirements, in combination with mandatory tournament reporting and the NC and MD catch card programs, are improving the ability of the United States to accurately monitor all recreational landings of Atlantic marlins, sailfish, and swordfish; however, non-compliance by recreational anglers remains a significant issue. NMFS is continuing to review various methodologies to identify the most appropriate approach for estimating recreational marlin landings.

On October 2, 2006, NMFS published the Final Consolidated HMS FMP (71 FR 58058), which, among other things, included the annual recreational 250 blue and white marlin landings limit, established framework procedures to adjust inseason marlin size limits, and carried forward the ability to use framework procedures to establish or modify certain management measures including, but not limited to, species in the management unit and the specification of the species groups to which they belong.

The MSA defines HMS as "tuna species, marlin (*Tetrapturus spp.* and *Makaira spp.*), oceanic sharks, sailfishes (*Istiophorus spp.*), and swordfish (*Xiphias gladius*)." Prior to the addition of the HMS definition in the MSA, when the Regional Fishery Management Councils managed Atlantic HMS, the 1988 Atlantic Billfish FMP described the management unit for billfishes as "blue marlin, white marlin, sailfish, and longbill spearfish." When the Secretary of Commerce was given management authority in the 1990 MSA Amendment, NMFS maintained the billfish management unit to include these four species, consistent with its understanding of Congress' intent. These four species are currently managed under the 2006 Consolidated HMS FMP. The procedures established by the 2006 Consolidated HMS FMP and Atlantic HMS regulations allow NMFS to modify the species in the management unit, and the specification of the species groups to which they belong, using a framework adjustment implemented by regulation, where appropriate.

Roundscale Spearfish—Interpretive Rule

As a result of scientific research, a "new" billfish species called roundscale spearfish was identified in 2006. This species was previously thought to be the same as white marlin because they are nearly indistinguishable by size, shape and color. DNA testing and other identifying factors confirmed the taxonomic distinction between roundscale spearfish and white marlin. This newly recognized species, roundscale spearfish, is not currently listed in the implementing regulations of the MSA or the Atlantic HMS regulations; therefore, technically, it is not included in the Atlantic HMS management unit. Roundscale spearfish have effectively been managed as white marlin (with the same size limit and authorized gear as white marlin) due to difficulties in identifying and distinguishing them from white marlin and because roundscale spearfish weren't known to exist prior to 2006.

In light of the research findings, NMFS publishes an interpretive rule to recognize roundscale spearfish as part of the definition of "HMS" in the MSA. To ensure clarity in the regulations, this action will add the recently recognized species, roundscale spearfish (*Tetrapturus georgii*), to the definitions in the implementing regulations of the MSA, the Atlantic HMS regulations, and the Atlantic HMS management unit. Roundscale spearfish will continue to be managed the same as white marlin, including provisions for in-season size limit modification and catch and release only due to the difficulty of identifying the species and separating it from white marlin. Roundscale spearfish will be included in the current 250 recreational marlin landings limit. As new information becomes available, different management measures may be considered in the future, if appropriate.

White Marlin—Final Action

As a result of DNA testing and other identifying factors, the genus of Atlantic white marlin was changed in 2008 from *Tetrapturus* to *Kajikia* and was adopted by the Integrated Taxonomic Information System, of which NOAA is a partner, and by the American Fisheries Society. Because the genus *Kajikia* was adopted after the enactment the MSA and its subsequent reauthorization, it is not identified in that Act as a genus in the definition of "highly migratory species." Nevertheless, at the time that Congress defined HMS in the MSA in 1990 and again in 2007, as described above, the intent was to include white marlin within the HMS definition and to continue to manage that species via Secretarial management.

This action will amend the MSA implementing regulations and the Atlantic HMS regulations to reflect the recent taxonomic change.

Effects of this Interpretive Rule and Final Action

The modifications to the Atlantic billfish regulations to implement these changes are administrative in nature only, and will not alter any current fishery management measures, fishing practices, requirements, or other restrictions because roundscale spearfish are already effectively managed as white marlin. This interpretive rule and final action are necessary to maintain the management unit as intended under the MSA, ATCA, and international management agreements as currently implemented.

NMFS will designate essential fish habitat (EFH) for roundscale spearfish to be the same as the existing EFH designated for white marlin. Some information used to designate white marlin EFH included both roundscale spearfish and white marlin as a result of the difficulty in distinguishing them and a lack of awareness of the need to do so. As additional information about these species becomes available, the EFH for roundscale spearfish and white marlin may be updated accordingly.

NMFS has determined that these changes are consistent with Congressional intent, as described above, as well as with recent scientific findings and scientifically accepted nomenclature changes. These changes are consistent with input and advice from billfish experts in the scientific community and will allow NMFS to more accurately and appropriately manage Atlantic billfish species using

the latest scientific nomenclature and species determinations.

Classification

The Assistant Administrator for Fisheries has determined that this interpretive rule and final action is consistent with the Consolidated HMS FMP, the Magnuson-Stevens Act, ATCA, and other applicable law.

This action is administrative in nature and is exempt from the requirement to prepare an environmental assessment in accordance with NAO 216–6 because this final action will have no effect on the environment.

This final action has been determined to be not significant for purposes of Executive Order 12866.

The Assistant Administrator waives the notice and comment requirements of the Administrative Procedure Act under 5 U.S.C. 553 (b)(A) because the recognition of roundscale spearfish as a new species of billfish is an interpretation of the definition of "HMS" in the MSA. The modifications to the Atlantic billfish regulations to add roundscale spearfish to the definitions are administrative in nature only, and will not alter any current fishery management measures, fishing practices, requirements, or other restrictions because roundscale spearfish are already effectively managed as white marlin.

The Assistant Administrator finds good cause under 5 U.S.C. 553 (b)(B) to waive the notice and comment requirements of the Administrative Procedure Act because it is unnecessary. The change to the genus of white marlin from *Tetrapturus* to *Kajikia* is a change to nomenclature that will have no impact on fishermen.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S. C. 601 *et seq.*, are inapplicable.

List of Subjects

50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: September 16, 2010

Eric C. Schwaab,

Assistant Administrator For Fisheries, National Marine Fisheries Services.

■ For the reasons set out in the preamble, 50 CFR parts 600 and 635 are amended as follows:

Chapter VI

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.10, the definitions of "Billfish" and "White marlin" are revised, and the definition of "Roundscale spearfish" is added in alphabetical order. The revisions and addition read as follows:

§ 600.10 Definitions.

* * * * *

Billfish means Atlantic billfish (blue marlin, white marlin, sailfish, longbill spearfish, or roundscale spearfish).

* * * * *

Roundscale spearfish means the species *Tetrapturus georgii*, or a part thereof.

* * * * *

White Marlin means the species *Kajikia albidus*, or a part thereof.

* * * * *

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

3. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 4. In § 635.2, the definition for "Highly migratory species (HMS)" and paragraph (1) of the definition for "Management unit" are revised to read as follows:

§ 635.2 Definitions.

* * * * *

Highly migratory species (HMS) means bluefin, bigeye, yellowfin, albacore, and skipjack tunas; swordfish; sharks (listed in appendix A to this part); white marlin; blue marlin; sailfish; longbill spearfish; and roundscale spearfish.

* * * * *

Management unit means in this part:

(1) For Atlantic tunas, longbill spearfish, roundscale spearfish, blue marlin, and white marlin, means all fish of these species in the Atlantic Ocean;

* * * * *

■ 5. In § 635.5, the first sentence of paragraph (c)(2) is revised to read as follows:

§ 635.5 Recordkeeping and reporting.

* * * * *

(c) * * *

(2) The owner, or the owner('s) designee, of a vessel permitted, or required to be permitted, in the Atlantic HMS Angling or Atlantic HMS Charter/Headboat category must report all non-tournament landings of Atlantic blue marlin, Atlantic white marlin, roundscale spearfish, and Atlantic sailfish, and all non-tournament and non-commercial landings of North Atlantic swordfish to NMFS by telephone to a number designated by NMFS, or electronically via the internet to an internet website designated by NMFS, or by other means as specified by NMFS, within 24 hours of that landing. * * *

■ 6. In § 635.20, redesignate paragraph (d)(4) as paragraph (d)(5); add a new paragraph (d)(4) and revise newly redesignated paragraph (d)(5) to read as follows:

§ 635.20 Size Limits.

* * * * *

(d) * * *

(4) No person shall take, retain or possess a roundscale spearfish taken from its management unit that is less than 66 inches (168 cm), LJFL.

(5) The Atlantic blue marlin, white marlin, and roundscale spearfish minimum size limits, specified in paragraphs (d)(1) and (d)(2) of this section, may be adjusted to sizes between 117 and 138 inches (297.2 and 350.5 cm) for blue marlin and 70 and 79 inches (177.8 and 200.7 cm) for white marlin and roundscale spearfish, to achieve, but not exceed, the annual Atlantic marlin landing limit specified in § 635.27(d). Minimum size limit increases will be based upon a review of landings, the period of time remaining in the current fishing year, current and historical landing trends, and any other relevant factors. NMFS will adjust the minimum size limits specified in this section by filing an adjustment with the Office of the **Federal Register** for publication. In no case shall the adjustments be effective less than 14 calendar days after the date of publication. The adjusted minimum size limits will remain in effect through the end of the applicable fishing year or until otherwise adjusted.

* * * * *

■ 7. In § 635.21, paragraph (e)(2)(i) is revised to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(e) * * *

(2) * * *

(i) Only persons who have been issued a valid HMS Angling or valid Charter/Headboat permit, or who have been issued a valid Atlantic Tunas General category permit and are participating in a tournament as provided in 635.4 (c) of this part, may possess a blue marlin, white marlin, or roundscale spearfish in, or take a blue marlin, white marlin, or roundscale spearfish from, its management unit. Blue marlin, white marlin, or roundscale spearfish may only be harvested by rod and reel.

* * * * *

■ 8. In § 635.27, paragraph (d) is revised to read as follows:

§ 635.27 Quotas.

* * * * *

(d) *Atlantic blue and white marlin.* (1) Effective January 1, 2007, and consistent with ICCAT recommendations and domestic management objectives, NMFS will establish the annual landings limit of Atlantic blue and white marlin to be taken, retained, or possessed by persons and vessels subject to U.S. jurisdiction. For the year 2007 and thereafter, unless adjusted under paragraph (d)(2) of this section or by ICCAT recommendation, this annual landings limit is 250 Atlantic blue and white marlin, combined. Effective January 1, 2011, annual landings of roundscale spearfish are also included to the blue and white marlin annual landings limit. Should the U.S. recreational Atlantic marlin landing limit be adjusted by an ICCAT recommendation, NMFS will file a notice identifying the new landing limit with the Office of the **Federal Register** for publication prior to the start of the next fishing year or as early as possible.

(2) Consistent with ICCAT recommendations and domestic management objectives, and based on landings statistics and other information as appropriate, if NMFS determines that aggregate landings of Atlantic blue marlin, white marlin, and roundscale spearfish exceeded the annual landings limit for a given fishing year, as established in paragraph (d)(1) of this section, NMFS will subtract any overharvest from the landings limit for the following fishing year. Additionally, if NMFS determines that aggregate landings of Atlantic blue marlin, white marlin, and roundscale spearfish were below the annual landings limit for a given fishing year, as established in paragraph (d)(1) of this section, NMFS may add any underharvest, or portion thereof, to the landings limit for the following fishing year. Such adjustments to the annual recreational marlin landings limit, as specified in paragraph (d)(1) of this section, if necessary, will be filed with the Office of the **Federal Register** for publication prior to the start of the next fishing year or as early as possible.

(3) When the annual marlin landings limit specified in paragraph (d)(1) or, if adjusted, as specified in paragraph (d)(2) of this section is reached or projected to be reached, based upon a review of landings, the period of time remaining in the current fishing year, current and historical landings trends, and any other relevant factors, NMFS will file for publication with the Office of the **Federal Register** and action restricting fishing for Atlantic blue marlin, white marlin, and roundscale spearfish to catch-and-release fishing only. In no case shall such adjustment be effective less than 14 calendar days after the date of publication. From the effective date and time of such action until additional landings become available, no blue marlin, white marlin, or roundscale spearfish from the management unit may be taken, retained, or possessed.

* * * * *

■ 9. In § 635.29, paragraph (a) is revised to read as follows:

§ 635.29 Transfer at sea.

(a) Persons may not transfer an Atlantic tuna, blue marlin, white marlin, roundscale spearfish, or swordfish at sea in the Atlantic Ocean, regardless of where the fish was harvested. However, an owner or operator of a vessel for which a Purse Seine category Atlantic Tunas category permit has been issued under § 635.4 may transfer large medium and giant BFT at sea from the net of the catching vessel to another vessel for which a Purse Seine category Atlantic Tunas permit has been issued, provided the amount transferred does not cause the receiving vessel to exceed its currently authorized vessel allocation, including incidental catch limits.

* * * * *

■ 10. In § 635.30, paragraph (b) is revised to read as follows:

§ 635.30 Possession at sea and landing.

* * * * *

(b) *Billfish.* Any person that possesses a blue marlin, white marlin, or roundscale spearfish taken from its management unit or a sailfish taken shoreward of the outer boundary of the EEZ or lands a blue marlin, white marlin, or roundscale spearfish in an Atlantic coastal port must maintain such billfish with its head, fins, and bill intact through offloading. Persons may eviscerate such billfish, but it must otherwise be maintained whole.

* * * * *

■ 11. In § 635.34, paragraph (a) is revised to read as follows:

§ 635.34 Adjustment of management measures.

(a) NMFS may adjust the catch limits for BFT, as specified in § 635.23; the quotas for BFT, shark and swordfish, as specified in § 635.27; the marlin landing limit, as specified in § 635.27(d); and the minimum sizes for Atlantic blue marlin, white marlin, and roundscale spearfish as specified in § 635.20.

* * * * *

■ 12. In § 635.71, paragraphs (c)(5) and (c)(8) are revised to read as follows:

§ 635.71 Prohibitions.

* * * * *

(c) * * *

(5) Retain onboard a vessel a longbill spearfish, or a blue marlin, white marlin, roundscale spearfish, or sailfish that is less than the minimum size specified in § 635.20(d).

* * * * *

(8) Take, retain, or possess an Atlantic blue marlin, white marlin, and roundscale spearfish when the fishery for these species has been restricted to catch and release fishing only, as specified in § 635.27(d).

* * * * *

[FR Doc. 2010–23689 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010131362–0087–02]

RIN 0648–XZ13

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Temporary rule; modification of a closure.

SUMMARY: NMFS is reopening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to fully use the C season allowance of the 2010 total allowable catch of pollock specified for Statistical Area 630 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 18, 2010, through 1200 hrs, A.l.t., September 19, 2010. Comments must be received at the following address no later than 4:30 p.m., A.l.t., October 4, 2010.

ADDRESSES: Send comments to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by 0648–XZ13, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at *http://www.regulations.gov*.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586–7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

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

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

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA under § 679.20(d)(1)(iii) on August 27, 2010 (75 FR 52891, August 30, 2010).

NMFS has determined that approximately 4,580 mt of pollock remain in the directed fishing allowance in Statistical Area 630 of the GOA. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C) and (a)(2)(iii)(D), and to fully utilize the C season allowance of the 2010 allowable catch of pollock in Statistical Area 630, NMFS is terminating the previous closure and is reopening directed fishing for pollock in Statistical Area 630 of the GOA. This will enhance the socioeconomic well-being of harvesters dependent upon pollock in this area. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) the current catch of pollock by the GOA trawl sector and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA, effective 1200 hrs, A.l.t., September 19, 2010.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of pollock in Statistical Area 630 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 16, 2010.

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

Without this inseason adjustment, NMFS could not allow the fishery for pollock in Statistical Area 630 of the GOA to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until October 4, 2010

This action is required by§ 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: September 17, 2010.

James P. Burgess,

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

[FR Doc. 2010–23686 Filed 9–17–10; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 183
Wednesday, September 22, 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 HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1307

RIN 0970–AC44

Head Start Program

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This regulation proposes to amend Head Start Program regulations to implement statutory provisions of the Improving Head Start for School Readiness Act of 2007 for establishing a system of designation renewal to determine if Head Start and Early Head Start agencies are delivering high-quality and comprehensive Head Start and Early Head Start programs that meet the educational, health, nutritional, and social needs of the children and families they serve, and meet program and financial management requirements and standards.

DATES: In order to be considered, comments on this proposed rule must be received on or before December 21, 2010.

ADDRESSES: Interested persons are invited to submit comments to the Office of Head Start, 1250 Maryland Avenue, SW., Washington, DC 20024, Attention: Colleen Rathgeb or electronically via the Internet at *http://www.regulations.gov.* If you submit a comment, please include your name and address, identify the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by electronic means, mail, or delivery to the address above, but please submit your comments and material by only one means. A copy of this Notice of Proposed Rulemaking may be downloaded from *http://www.regulations.gov.* Comments will be available for public inspection at the Department's offices in Portals, 8th Floor, 1250 Maryland Avenue, SW., Washington, DC 20024, Monday through Friday between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Colleen Rathgeb, Office of Head Start, 202–205–7378 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This proposed regulation is published under the authority granted to the Secretary of Health and Human Services by sections 641, 645A(b)(12), and 644(c) of the Head Start Act (the Act) (42 U.S.C. 9801 *et seq.*), as amended by the Improving Head Start for School Readiness Act of 2007 (Pub. L. 110–134).

II. Comment Procedures

Section 641(c)(5) of the Act requires the Secretary of HHS to publish a notice in the **Federal Register** describing a proposed system for designation renewal, including a proposal for the transition to such system. The Act provides for a period of at least 90 days for public comment.

In making any modifications to this notice of proposed rulemaking, we will not consider comments received beyond the 90-day comment period. To make sure your comments are addressed fully, we suggest the following:

- Be specific;
- Address only issues raised by the proposed rule, not the changes to the law itself;
- Explain reasons for any objections or recommended changes;
- Propose appropriate alternatives; and
- Reference the specific section of the notice of the proposed rule being addressed.

III. Background

The Head Start program is a national program administered by the Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS), which promotes school readiness of low-income children by enhancing their cognitive, physical, social, and emotional development through the provision of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.

The Head Start program provides grants to local public and private non-profit and for-profit agencies to provide comprehensive child development services to economically disadvantaged children and families, with a special focus on helping preschoolers develop the skills they need to be successful in school. In FY 1995, the Early Head Start program was established to serve families of economically disadvantaged children from birth to three years of age and pregnant women from such families in recognition of the mounting evidence that the earliest years matter a great deal to children's growth and development.

On February 28, 2005, the United States Government Accountability Office (GAO) issued a report entitled, "Head Start: Comprehensive Approach to Identifying and Addressing Risks Could Help Prevent Grantee Financial Management Weaknesses" (GAO–05–176). The report is available on the GAO Web site at: *http://www.gao.gov/new.items/d05176.pdf.* In that report, GAO found that the Administration for Children and Families (ACF) did not recompete the grants of poorly performing grantees. Instead, ACF gave continuous funding priority to current grantees and as a result, in a number of instances, ACF funded poorly performing grantees until the grantee either relinquished the grant or ACF terminated the grant. GAO stated that, "When grants are allowed to remain with poorly performing grantees, children being served may not be getting the 'head start' they deserve because the grantees continuously fail to meet program and financial management standards."

In their Recommendations for Executive Action, GAO recommended that ACF "take steps to obtain competition for the grant if it has determined that the current recipient of those grant funds fails to meet program, financial management, or other requirements." In its comments on the draft GAO report, ACF expressed

uncertainty about the scope of its authority to implement the GAO recommendation to recompete Head Start grants. In response to the ACF concerns, GAO asked Congress to consider providing ACF with the authority to recompete grants when ACF determines that a current grantee is not meeting Head Start's program or financial management requirements.

On December 12, 2007, the Improving Head Start for School Readiness Act of 2007 (Pub. L. 110–134) amended the Head Start Act (the Act) to provide HHS with the authority to recompete grants. The Head Start Act, as amended, establishes that Head Start grantees will be awarded grants for a five-year period and only grantees delivering high-quality services will be given another five-year grant non-competitively. Section 641 of the Act requires the Secretary of the HHS to develop and implement a system for designation renewal (*e.g.,* Designation Renewal System (DRS)) to determine if a Head Start agency is delivering a high-quality and comprehensive Head Start program that meets the educational, health, nutritional, and social needs of the children and families it serves.

This proposed rule responds to those requirements. We also propose to extend these requirements to Early Head Start programs pursuant to the authority of section 645A(b)(12) of the Act. Early Head Start programs provide family-centered services for low-income families—pregnant women, infants and toddlers. These are the youngest children and most vulnerable families we serve. We believe that Early Head Start programs must be held to the same high standards as all other Head Start programs in regard to designation and redesignation in order to ensure that they provide high-quality services to promote the development of the youngest children in the community and enable parents to move towards self sufficiency.

Section 641(c)(1) of the Act requires that the DRS be shaped to determine whether a grantee is providing high-quality services and meets the program and financial management requirements and standards described in section 641A(a)(1) of the Act, based on:

(A) Annual budget and fiscal management data;

(B) Program reviews conducted under section 641A(c);

(C) Annual audits required under section 647;

(D) Classroom quality as measured under section 641A(c)(2)(F); and

(E) Program Information Reports.

In the Conference Report that accompanied the Improving Head Start for School Readiness Act of 2007, the Conference Committee stated, "This system is meant to facilitate the designation of programs that are in good standing and are providing a high-quality comprehensive early childhood program, for a period of 5 years. The Conferees believe that other programs not providing a high-quality comprehensive early childhood program should not receive a designation renewal without first entering into an open competition." H.R. Conf. Rep. No. 110–439 at 111 (2007), *as reprinted in* 2007 U.S.C.C.A.N. 442, 462.

The Conference Committee also noted that they did not intend the designation renewal system to result in competition for all Head Start grantees because such a process could undermine overall program performance. As stated in the Conference Report: "Furthermore, the Conferees believe that the policy to limit open competition to under-performing Head Start agencies will improve overall program performance. The Conferees strongly believe the majority of Head Start programs are delivering high-quality services and therefore do not intend for this new designation system to result in competition for designation for the majority of Head Start programs. Furthermore, competing high-quality programs could undermine overall program quality. The Conferees believe that in most instances, stability and continuity within Head Start promotes better quality and greater efficiency." Id.

Section 641(c) of the Act required the Secretary of HHS to convene an expert panel (e.g., "the Committee") to inform the development of a DRS and "make recommendations to the Secretary on the development of a transparent, reliable, and valid system for designation renewal." The seven members of the Committee were appointed by the Secretary per the requirements in section 641(c)(3) of the Act. The Committee convened three two-day meetings in March, June, and October 2008 and issued a report in December 2008. The report, "A System of Designation Renewal of Head Start Grantees," is available at the following Web site: *http://eclkc.ohs.acf.hhs.gov/hslc/Program%20Design%20and%20Management/Head%20Start%20Requirements/Renewal%20of%20Head%20Start%20Grantees.*

In its Report the Committee's first and overarching recommendation was for ACF to "develop a designation renewal system that is—

- Reliable and valid in terms of the criteria and indicators used, and is transparent to families, programs and the public;
- Simple and easily understood by all stakeholders; and
- Integrated into ongoing systems for program improvement in such a way as to add value."

ACF strongly agrees with this recommendation and used reliability and validity, simplicity and understandability, and connections to program improvement systems as the guiding principles in designing the proposed system.

The Committee also recommended that the DRS be based on "Automatic Indicators" and eventually also include "Key Quality Indicators." The term "Automatic Indicators" as defined in the report means events whose occurrence would require a grantee to compete for renewal automatically. The term "Key Quality Indicators" refers to poor performance in multiple areas that would require a grantee to compete for renewal. ACF agrees with the recommendations of the Committee, and we propose a set of conditions that would trigger competition.

In addition, ACF is proposing to ensure that a minimum of 25 percent of all grantees reviewed during each one-year cycle will be required to recompete. If the conditions outlined in the rule do not identify a minimum of 25 percent of grantees, then other indicators of low performance will be used to identify other poor performers that will be required to recompete. ACF believes that the expectation embodied in this provision is critical to ensuring that the proposed rule realizes its potential to improve child outcomes.

We acknowledge the Committee's expectation that "no more than approximately 15 to 20 percent of all grantees should be expected to compete for another five-year grant." However, the Administration is committed to funding only high-performing grantees and conducting effective and rigorous competitions. Recent research on Head Start programs has illustrated the need for improvement and for more rigorous standards across Head Start programs. We understand that neither the Committee nor the Congress intended for all grantees to recompete for grants as required by most Federal grant programs. However, given the importance of the provision of quality services for Head Start children and families, we believe that setting a minimum 25 percent standard for recompetition is appropriate to ensure the best services for Head Start children.

The Administration is deeply committed to the mission of Head Start—to helping our nation's most vulnerable children get a head start on success in school and in life—and as

such is deeply committed to improving quality across all Head Start programs. Participation in high-quality early childhood care and education programs can affect crucial child outcomes dramatically, but participation in low-quality programs has little or no impact. Recent research suggests that quality in Head Start programs varies considerably, and suggests that there is significant room for improvement in Head Start programs. For example, "FACES Findings: New Research on Head Start Outcomes and Program Quality" reports that while average Head Start classroom quality is good, there was substantial variation.

Competition for grants is an important tool for encouraging excellence, establishing accountability for poor performance, and opening up Head Start to new energetic organizations that may have great capacity to run high-quality programs. Unless specified in the regulations for grantees that have been terminated, current grantees will be eligible to compete again for their current grants, but other potential grantees will be able to do so as well. Finally, subjecting a fixed percentage of grants to recompetition reduces the risk of unintended consequences that could jeopardize a meaningful assessment of grantee performance.

ACF agrees with the Committee that Head Start and Early Head Start grantees should have a clear understanding of what criteria will be used as "triggers" in making the decision to recompete a grant and so proposes the concept of conditions/criteria that will result in recompetition of a grant. The proposed conditions/criteria draw substantively from both Automatic and Key Quality Indicators and allow for a more simple and understandable system. ACF also believes that the proposed data sources that are utilized to support the recompetition decisions would be reliable, valid, and transparent as recommended by the Committee.

The Committee made specific recommendations on determination criteria that would automatically require a grantee to compete for renewal, including: Suspension; bankruptcy or debarment; revocation by a State or local government of a license to operate a child care program; and a significantly higher number of deficiencies in OHS monitoring than the average grantee has. In the discussion of determination criteria, the Committee discussed program performance indicators in the area of Financial Management, including: An audit finding of going concern risk (going concern is proposed to be defined as an organization that operates without the threat of liquidation for the foreseeable future, a period of at least 12 months); and a designation of fiscal high risk. The Committee discussed the use of Program Management determination criteria, including: Governance; internal controls; eligibility, recruitment, selection, enrollment, attendance (ERSEA); self-assessment and ongoing monitoring; human resources; and safety. The Committee discussed determination criteria in the area of Education, including: Curriculum; assessment; and structured learning environment. The Committee recommended incorporating a practical classroom observation tool and effective measures of child outcomes and of individualization when ACF is satisfied it has the appropriate tools and measures. The Committee recommended determination criteria in the area of Comprehensive Services, including: Immunization; screening and follow-up; meeting the requirement that at least 10 percent of actual enrollment include children with disabilities that have been determined eligible for special services under Individuals with Disabilities Education Act (IDEA) by the agency providing IDEA services in their community; and a developmental indicator on parent involvement.

As discussed in the following Section by Section Discussion of the Regulatory Provisions, we are proposing to adopt the majority of the Committee's recommendations in whole or with minor modifications. Concurrent with publishing this proposed rule, ACF will provide a report to Congress that provides a detailed description of the proposed new system, including a clear rationale for any differences between the proposed system and the recommendations of the Committee. Until the new system is developed and implemented by the Secretary of HHS, section 641(a)(2) of the Act states that the interim policy after the enactment of Public Law 110–134 is for ACF to award grants as it has done prior to the 2007 Head Start reauthorization.

Section by Section Discussion of Regulatory Provisions

To address Head Start designation renewal, we propose to amend 45 CFR Chapter XIII by adding a new Part 1307, Policies and Procedures for Designation Renewal of Head Start and Early Head Start Grantees.

Section 1307.1—Purpose and Scope

We propose to add section 1307.1 to set forth the purpose and scope of Part 1307. The purpose of this Part is to set forth policies and procedures for the designation renewal of Head Start and Early Head Start programs. It is intended that these programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start and Early Head Start grantees be fully protected. The designation renewal system is established in this Part to determine if Head Start and Early Head Start agencies meet the educational, health, nutritional, and social needs of the children and families they serve and qualify to be designated for funding for five years without competing for such funding as required under section 641(c) of the Head Start Act with respect to Head Start agencies and pursuant to section 645A(b)(12) with respect to Early Head Start agencies. A competition to select a new Head Start or Early Head Start grantee to replace a Head Start or Early Head Start agency that has been terminated voluntarily or involuntarily is not part of the designation renewal system established in this Part, and is subject instead to the requirements of Part 1302, Policies and Procedures for Selection, Initial Funding and Refunding of Head Start Grantees, and for Selection of Replacement Grantees.

Section 1307.2—Definitions

Section 1307.2 proposes the following definitions as applicable to this part: ACF, Act, Agency, designated ACF official, Early Head Start Agency, going concern, Head Start Agency, material weakness, and transition period.

ACF is proposed to be defined as the Administration for Children and Families in the Department of Health and Human Services.

Act is proposed to be defined as the Head Start Act, 45 U.S.C. 9831 *et seq.*

Agency is proposed to be defined as a public or private non-profit or for-profit entity designated by ACF to operate a Head Start or Early Head Start program.

Designated ACF official is proposed to be defined as the Official authorized under Department of Health and Human Services delegations authority to perform actions required or authorized by statute, regulation, delegation, or order of a superior official.

Early Head Start Agency is proposed to be defined as a public or private non-profit or for-profit entity designated by ACF to operate an Early Head Start program to serve pregnant women and children from birth to age three, pursuant to 645A(e) of the Head Start Act.

Going concern is proposed to be defined as an organization that operates

without the threat of liquidation for the foreseeable future, a period of at least 12 months. One Head Start agency, for example, had a "going concern" audit finding because it suffered recurring losses from operations resulting in a net deficit in working capital, which raised substantial doubt about its ability to continue as a viable operation.

Head Start Agency is proposed to be defined as a local public or private non-profit or for-profit entity designated by ACF to operate a Head Start program to serve children age three to compulsory school age, pursuant to section 641(b) and (d) of the Head Start Act.

Material weakness means a weakness, or a combination of weaknesses, in internal control over financial reporting such that there is a reasonable possibility that a material misstatement of the grantee's annual or interim financial statements will not be prevented or detected on a timely basis. One Head Start agency, for example, had an audit finding resulting from its failure to pay the payroll taxes for personnel as required by the Internal Revenue Code. This resulted in the agency being subject to Internal Revenue Service penalties.

ACF believes that an agency that is determined to have one or more material weaknesses or to be unable to ensure that it can continue as a going concern should result in the grantee being required to recompete for renewal. If a grantee is not a going concern, it will not be able to provide the Head Start services it is funded to provide because it will have ceased operations and be in the process of being liquidated. The definition of "material weakness" ACF is proposing to use is based on the definition of the term in the Securities and Exchange Commission regulation at 17 CFR 210.1–02(a)(4).

ACF is proposing to adopt the definitions for *going concern* and *material weakness* because they reflect the way the two terms are used in audits of Head Start grantees as required by section 647 of the Head Start Act. We invite comments on these definitions and request that along with any issues raised, commenters suggest specific alternative definitions.

The final definition proposed is *transition period,* which ACF proposes to mean the three-year time period after the effective date of the final rule on the Designation Renewal System during which ACF will convert all of the current continuous Head Start and Early Head Start grants into five-year grants after reviewing each grantee to determine if it meets any of the conditions or criteria under section 1307.3 that would require recompetition or if the grantee will receive its first five-year grant non-competitively.

Section 1307.3—Basis for Determining Whether a Head Start Agency Will Be Subject to an Open Competition

In section 1307.3, ACF proposes to establish a designation renewal system in which a minimum of 25 percent of all Head Start grantees (including both Head Start and Early Head Start grantees) reviewed in the same year will be required to recompete based on seven specified performance conditions. As described further below, the rule sets forth how other lower performing grantees will be selected for recompetition if the seven conditions specified in the rule—such as having a deficiency or license revocation—do not result in at least 25 percent of grantees being identified for recompetition.

Under paragraph (a), a minimum of 25 percent of all Head Start grantees (including both Head Start and Early Head Start grantees) reviewed in the same year will be required to compete for their next five years of funding.

Under paragraph (b), ACF proposes seven conditions in three critical areas of Head Start program administration that would trigger recompetition: quality, licensing and operation, and fiscal and internal controls. Paragraphs (b)(1), (2), and (3) address the quality of Head Start programs by proposing that an agency is required to recompete if it has one or more deficiencies that were determined during a single review of the Head Start agency; fails to establish and use goals for improving school-readiness of children in their program; or has low performance on one or more domains of the Classroom Assessment Scoring System Pre-K (CLASS: Pre-K) in the two most recent CLASS: Pre-K observations. Paragraphs (b)(4) and (b)(5) address the area of licensing and operation by proposing that an agency is required to recompete if it experiences a revocation of its license to operate by a State or local licensing agency; or a suspension of its Head Start grant by ACF. Paragraphs (b)(6) and (b)(7) address the area of fiscal and internal controls by proposing that an agency is required to recompete if it is debarred by any Federal or State agency from receiving Federal or State funds or is disqualified from The Child and Adult Care Food Program (CACFP); or is determined to have one or more material weaknesses or determined to be unable to ensure that it can continue as a going concern.

The conditions provided under paragraph (b) may result in the designation of at least 25 percent of grantees for recompetition as required under proposed paragraph (a). However, given the uncertainty regarding the impact of this new system and the critical need to ensure high-quality services for Head Start children, if a minimum of 25 percent of all grantees reviewed in the same year are not required to compete for their next five years of funding based on the conditions described in proposed paragraphs (b)(1)–(7), then objective criteria established by the Secretary would identify additional low performing grantees that will be required to recompete such that the total number of grantees required to recompete meets the 25 percent requirement. We are requesting public comments on several possible criteria to use to strengthen the test for redesignation of poorly performing Head Start grantees. We are considering two primary structures for defining the additional criteria to be met by grantees if needed to satisfy the 25 percent standard and seek public comments on the most effective approach to ensure high-quality performance by all grantees. We also are considering use of a combination of the two approaches outlined below.

The first approach would be based on a system that would assign values to non-compliance findings from reviews under section 641A(c)(A), (C), and (D) of the Act, with higher values assigned to more problematic non-compliance findings. This would result in a system in which a higher score indicated that the grantee had demonstrated a pattern of weaker performance. Each grantee then would be ranked among all the other grantees reviewed in that year. Grantees that received the highest scores would be identified for recompetition as a result of their pattern of poor performance compared to all other grantees reviewed during the same time period. We are seeking public comments about the general merits of such a system, and specifically on the relative weighting of findings, whether some non-compliances should be weighted more heavily than others, and whether the size of the grantee should be a factor taken into consideration in the ranking system.

The second approach we are considering would introduce the use of evidence-based rating instruments into the Head Start monitoring review system. Such rating instruments include: the Early Childhood Environment Rating Scale, the Infant Toddler Environment Rating Scale, and the Family Child Care Environment Rating Scale. Low scores determined using any of these instruments would result in recompetition. Use of these

instruments could provide an increased ability to distinguish the level of quality of services being provided in Head Start and Early Head Start classrooms and family child care homes with evidence-based measures. We are seeking public comments about this structure in general, as well as the three particular rating instruments mentioned above and any alternative tools that interested parties wish to identify in their comments. We also invite public comment on the appropriate scoring level for each instrument that would indicate poorer than acceptable performance as well as the most efficient mechanism for incorporating these rating instruments into the Head Start review process.

The proposed regulation describes the system whereby a Head Start or Early Head Start agency shall be required to compete for its next five years of funding whenever ACF determines that one of the specified conditions/criteria under section 1307.3 are met during the relevant time periods described in section 1307.7. Of note, ACF proposes two exceptions related to the time periods under which data will be considered for the conditions described in section 1307.3(b)(2) and (3), as described below and in section 1307.7.

ACF is considering publication of the various data underlying decisions to recompete. Making such information public would provide a valuable service to parents and other community members concerned about the quality of Head Start and Early Head Start, and also would provide a valuable incentive for improvement among Head Start and Early Head Start grantees.

It should be noted that this proposed competition process differs from the current competition process that is used to select a new Head Start or Early Head Start grantee to replace a Head Start or Early Head Start agency that has been terminated voluntarily or involuntarily. The replacement grantee process is not part of the DRS established in this Part, and is subject instead to the requirements of Part 1302, Policies and Procedures for Selection, Initial Funding and Refunding of Head Start Grantees, and for Selection of Replacement Grantees.

ACF will begin implementing the DRS within 12 months of the publication of the final rule. Consistent with section 641(c)(9) of the Act, ACF will convert all of the current continuous grants into five-year grants within a three-year transition period after the final rule is published. Per section 641(c)(9)(C) of the Act, ACF is required to establish and implement a schedule for reviewing each Head Start agency. We propose that the designation review will be scheduled to occur during the year following the year that the grantee has its triennial review. In order to initiate the designation review process, each Head Start or Early Head Start agency wishing to be renewed for five years without competition shall request that status from ACF immediately after its review under section 641A(c)(1)(A); the request process is explained further in section 1307.7(a). Under this plan, one-third of grantees will be reviewed in each of the first three years after the final rule is published in order for ACF to determine if they meet any of the conditions/criteria under section 1307.3 that would require recompetition or if they will receive the first five-year grant non-competitively. (Section 1307.7 addresses timing and notice of designation decisions.)

After the three-year transition period is finished, all existing Head Start and Early Head Start grantees will be subject to a five-year grant period, as described further in section 1307.7. Grantees for which none of the conditions/criteria in proposed section 1307.3 are met will not be required to recompete and will be awarded another five-year grant; grantees for which one or more of the conditions/criteria in proposed section 1307.3 are met will be required to recompete.

During the DRS review, ACF proposes to examine relevant records about the grantee's performance since June 12, 2009 consistent with section 641(c)(9)(B) of the Act, which specifies that Head Start agencies are not subject to the DRS requirements prior to 18 months after the enactment of the 2007 reauthorization of the Head Start Act. Therefore, no data prior to June 12, 2009 will be considered for the conditions listed in section 1307.3(b)(1), (b)(2), or (b)(4)–(b)(7) or the criteria in paragraph (c); for the condition listed in section 1307.3(b)(3), ACF proposes that no data will be considered until after the effective date of this Part and then only in reviews under section 1307.7(c) beginning in the third year of the three-year transition period.

The first three conditions ACF proposes to use to determine designation renewal related to program quality are described in section 1307.3(b)(1)–(3). We are proposing several conditions that reflect the Committee's recommendations that established conditions should be simple and easily understandable and based on data that is reliable, valid and transparent: (b)(1) one or more deficiencies that were determined during a single review conducted by ACF under section 641A(c)(1)(A), (C), or (D) of the Act; (b)(2) lack of establishment and use of goals for improving school-readiness of children in their program as required by section 641A(g)(2) of the Act; and (b)(3) low performance on the relevant number of domains depending on the time period in which the DRS review occurs of the Classroom Assessment Scoring System Pre-K (CLASS: Pre-K) in the two most recent CLASS: Pre-K observations.

Paragraph (b)(1) as proposed cites deficiency findings through any review conducted under section 641A(c)(1)(A), (C), or (D) of the Act—full triennial reviews, follow-up reviews, or other reviews, including unannounced site inspections of Head Start centers, as appropriate. "Deficiency" is defined in section 637(2) of the Act as: (1) A systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves a threat to the health, safety, or civil rights of children or staff; a denial to parents of the exercise of their full roles and responsibilities related to program operations; a failure to comply with standards related to early childhood development and health services, family and community partnerships, or program design and management; the misuse of funds received under the Act; loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or failure to meet any other Federal or State requirement that the agency has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified; (2) systemic or material failure of the governing body of an agency to fully exercise its legal and fiduciary responsibilities; or (3) an unresolved area of non-compliance.

A grantee that has been determined by ACF to have one or more deficiencies in a single review has demonstrated poor performance that should require the grantee to recompete for renewal. ACF believes that Head Start programs determined to have a failure of this kind are considered appropriately to be failing to provide children with a high-quality and comprehensive Head Start program. Failure to correct a deficiency within the allotted time, which ACF generally establishes as 30 to 45 days for health and safety and financial integrity issues, and 90 to 180 days for most other deficiencies, is grounds to terminate an agency from the Head Start or Early Head Start program under section 641A(e)(1)(C) of the Act. We note that the reviews conducted under section 641A of the Act can result in deficiencies in each of the areas of

education, health, family engagement and management and fiscal systems. Violations of program requirements demonstrating a systemic or substantial lack of program integrity, such as the absence of effective internal financial controls or a failure to properly apply eligibility criteria, will result in deficiency findings. The deficiencies may include findings in the specific "Key Quality Indicators" noted in the Committee's recommendations. Therefore, ACF believes that the proposed deficiency condition indirectly addresses the specific program performance indicators recommended by the Committee.

Proposed paragraph (b)(2) is consistent with the Committee's recommendation regarding the importance of Head Start agencies assessing their own performance in relation to achieving agency-determined school-readiness goals. An agency would be required to recompete if it has been determined by the designated ACF official through a review conducted under section 641A(c)(1)(A), (C), or (D) of the Act during the period covered by the ACF review under section 1307.7 not to have assessed its own performance regarding school-readiness goals. Of note, we propose that the criteria that will be considered when determining if an agency has assessed successfully its own performance regarding school-readiness goals will differ for the time period prior to the effective date of this Part compared to the time period after the effective date of this Part, as described further in § 1307.7. Specifically, beginning on June 12, 2009, ACF proposes that the criteria to be considered in the recompetition review is whether agencies have established and taken steps to achieve their goals for improving the school readiness of children participating in their program in accordance with the requirements of section 641A(g)(2) of the Act. Beginning with the effective date of this Part, ACF proposes that the criteria to be considered in the recompetition review also will include whether agencies have: analyzed individual child-level assessment data in order to determine each child's status and progress with regard to each of the domains of the Head Start Child Outcomes Framework for Head Start programs and the Child Competencies listed in the Early Head Start Program Performance Measures Framework for Early Head Start programs and to plan how to individualize experiences and instructional approaches to best support each child's progress; and analyzed aggregated child assessment data at least three times per year, except for programs operating less than 90 days, which will be required to do so at least two times within their program period, and program data to support continuous program improvement and to inform professional development, staffing, and other program decisions. We are proposing this two-phase process in order to provide grantees with sufficient time to develop the necessary polices and procedures and train staff on implementation of analysis of child-level data and subsequent action steps to best support each child's progress.

The Head Start Child Outcomes Framework is not developed for, and will not be utilized in, Early Head Start programs. Instead, the Child Competencies listed in the Early Head Start Program Performance Measures Framework will be used as the categories for determining the status of infants and toddlers enrolled in Early Head Start programs.

The third condition proposed under paragraph (b)(3) is the Head Start agency score from the Classroom Assessment Scoring System: Pre-K (CLASS: Pre-K), a system that rates classroom interactions on a seven-point scale with scores of one to two being in the low range; three to five in the mid-range; and six to seven in the high range of quality. Section 641A(c)(2)(F) of the Act requires the Secretary to include as part of the Head Start monitoring review process "a valid and reliable research-based observational instrument, implemented by qualified individuals with demonstrated reliability, that assesses classroom quality, including assessing multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement." Section 641(c)(1)(D) requires that such an instrument be used as part of reviews and for determining whether the grantee meets the program and financial management requirements and standards described in section 641A(a)(1) of the Act. CLASS: Pre-K is "a valid and reliable research-based observational instrument" that meets the statutory requirements. As discussed in the "CLASS Implementation Guide: Measuring and Improving Classroom Interactions in Early Childhood Settings", CLASS has been validated by over ten years of research in educational settings. The authors cite overarching conclusions based on this extensive research noting that "effective teacher-child interactions are a crucial ingredient for children's social and academic development".

It should be noted that the regulations propose an alternative time period to be considered for this condition compared to the other six conditions described in this paragraph. In addition, the regulations propose an alternative standard of performance that would apply only for the cohort of grantees that receive its DRS review during the third year of the three-year transition period.

Specifically, ACF proposes that a Head Start agency will be required to compete for designation renewal if: (1) It scores one, on one or more domains on CLASS: Pre-K, on the two most recent CLASS: Pre-K observations, when the observations are conducted after the effective date of Part 1307, and the findings are identified in a DRS review under Part 1307 conducted after the beginning of the third year of the transition period; and (2) it scores below three, on one or more domains on CLASS: Pre-K, on the two most recent CLASS: Pre-K observations, when the observations are conducted after the effective date of Part 1307, and the findings are identified in a DRS review under Part 1307 conducted after the close of the transition period. Thus, ACF proposes that the results from CLASS: Pre-K observations will not be considered starting on June 12, 2009 as will be the case for the other six conditions described in this paragraph and instead will be considered starting after the effective date of this Part and either at the beginning of the third year of the transition period or after the close of the transition period (depending on when the DRS review is conducted for each grantee). ACF believes that a grantee that has such low scores as described above on the two most recent CLASS: Pre-K observations is not providing children the level of high-quality instruction necessary to adequately prepare for school, and should be required to recompete for renewal. ACF is seeking comment on this standard.

The Administration believes that it is a major step forward to bring the quality of teacher-child interactions to bear on redesignation. The use of CLASS: Pre-K in particular is warranted by the strong research base validating its correlation with student outcomes. Use of CLASS: Pre-K in redesignation should begin as promptly as possible, recognizing also that CLASS: Pre-K has not been used in this way before. ACF will implement the use of CLASS: Pre-K results during the third year of the three-year transition period rather than waiting until the close of the transition period. For this third year of the transition period, we are proposing an alternative standard of performance related to CLASS: Pre-K data that would trigger

recompetition. For only the cohort of agencies reviewed under section 1307.7 during the third year of the three-year transition period, agencies that received a score of one, on one or more domains of CLASS: Pre-K, on the two most recent CLASS: Pre-K observations would be required to compete for designation renewal.

ACF is considering incorporating into the final rule that the condition based on CLASS: Pre-K observations will become effective in the second year of the transition period. In this case, we would use the same criteria stated above for the cohort of grantees reviewed in the third year of the transition period, i.e., if a grantee scores one, on one or more domains on CLASS: Pre-K, on the two most recent CLASS: Pre-K observations. We are interested in receiving public comments on both the implementation timeframe and the use of this alternative standard of performance.

For both time periods, ACF is proposing the following methodology for determining the domain scores for Head Start grantees. The CLASS: Pre-K observations will be incorporated into the reviews under section 641A(c)(1)(A), (C), or (D) of the Act. Except when all children are served by a grantee in a single classroom, ACF will conduct multiple class observations and rate the conduct of the classes observed using the CLASS: Pre-K instrument. When the grantee serves the children in its program in a single class, that class will be observed and rated using the CLASS: Pre-K instrument. The domain scores for that single class will be the domain scores for the grantee for that CLASS: Pre-K observation. For grantees that serve children in multiple classrooms, ACF will conduct CLASS: Pre-K observations on a subset of the classrooms. After the observation is completed, ACF will report to the grantee the scores of the classes observed during the CLASS: Pre-K observation in each of the domains covered by the CLASS: Pre-K instrument. ACF will average the scores in each of the domains for all classrooms assessed during an observation to determine the grantee's average score in each domain. ACF has provided and will continue to provide technical assistance to grantees on the CLASS: Pre-K instrument.

We also are considering a number of alternatives related to (b)(3) and the method of calculating the recompetition trigger using the CLASS: Pre-K scores. One option we are considering is to apply different absolute thresholds for each of the three domains based on the national mean scores for those domains. For example, an absolute threshold for the domains of Emotional Support and Classroom Organization could be higher than the threshold for Instructional Support. This approach would reflect research that shows "the domains of Emotional Support and Classroom Organization typically are at the moderate to high level of quality in early childhood classrooms and Instructional Support, however, is typically at a low level of quality" (CLASS Implementation Guide, Hamre et al, December 2009). Research also is exploring whether there are thresholds of quality that must be achieved in each domain in order to influence children's development. For example, research has shown correlations between children's social emotional outcomes in classrooms scoring in the mid to high range of emotional support and for academic outcomes in the lower end of the mid range on Instructional Support (Threshold analysis of association between child care quality and child outcomes for low-income children in pre-kindergarten programs, Burchinal et al, June 2008).

Another alternative we are considering is to base the determination on the grantee's score on each domain relative to the scores of the other grantees reviewed in the same year and then measure a grantee's performance against that threshold. We are interested in receiving public comments on these alternative approaches and whether they provide a more meaningful assessment of grantee performance and/or avoid possible unintended consequences.

The CLASS: Pre-K was developed as part of classroom observation research supported by the National Center for Early Development and Learning and the National Institute for Child Health and Human Development (NICHD) Study of Early Care and Youth Development. It was designed to allow a trained outside observer to provide a reliable assessment of the quality of preschool classrooms. The CLASS: Pre-K also has been used extensively for professional development to improve the quality of classrooms.

The CLASS: Pre-K is based on research and theory suggesting that interactions between children and adults are the primary mechanism for children's development and learning.

The CLASS: Pre-K looks at three dimensions of quality in preschool classrooms: Emotional Support, Classroom Organization, and Instructional Support. In high-quality programs, effective teacher-child interactions measured in the Emotional Support dimension create positive relationships among teachers and children. In Classroom Organization, high-quality interactions lead to well-managed classrooms that provide children with frequent, engaging learning activities and classrooms. High-quality effective interactions as measured in the Instructional Support domain develop children's critical thinking skills, provide ongoing feedback, and facilitate vocabulary development.

The CLASS: Pre-K has been used in a number of large scale studies of early childhood programs, including those mentioned, but also in the Head Start Family and Children Experience Study (FACES) which provides a nationally representative picture of Head Start programs. In general across these studies, average CLASS: Pre-K scores are in the high end of the mid range of quality in Emotional Support and Classroom Organization and lower in the Instructional Support dimension. The Office of Head Start has been pursuing the use of CLASS: Pre-K both as an observational tool and a professional development tool.

The Committee recommended that when ACF was satisfied that it had a valid, reliable, and practical classroom observation tool, we should incorporate it into the designation renewal system. ACF now is satisfied, based on extensive research and testing, that CLASS: Pre-K has proven to be a valid, reliable, and practical classroom observation tool. ACF believes that a low score on CLASS is a reliable and valid indicator of poor performance in preparing Head Start children for school, the primary statutory purpose of Head Start.

The CLASS: Pre-K is not developed for, and will not be utilized in, either Early Head Start programs or Home-based programs. When ACF is satisfied with a valid and reliable measure of quality interactions for Early Head Start programs and Home-based programs, a measure will be added as a recompetition condition through a subsequent rulemaking process.

The next two conditions are described in paragraphs (b)(4) and (b)(5), which address the area of licensing and operation by proposing that an agency is required to recompete if it experiences a revocation of its license to operate by a State or local licensing agency; or a suspension of its Head Start grant by ACF.

Section 1307.3(b)(4) considers whether an agency has had its license to operate a center or program revoked by a State or local licensing agency, and the revocation of the license has not been overturned or withdrawn. This is

consistent with the Committee's recommendations to consider revocation of a license to operate a child care program as an automatic indicator requiring competition under the DRS. A license to operate is required in section 641A(a)(1)(D)(i) of the Act, which states that center-based and combination program option facilities "shall meet or exceed State and local requirements concerning licensing for such facilities."

Grantees have appeal rights for license revocations. It is possible that these actions may be overturned. If these actions are overturned, or withdrawn by the responsible State or local agency, before ACF decides to require competition, they will not be used as a basis for a recompetition decision by ACF. The grantee, however, could be required to recompete by ACF based on the existence in its program of any other conditions/criteria listed in section 1307.3. ACF does believe that license revocations, if not overturned or withdrawn, are serious enough to be included as conditions that would require recompetition of a grant. Accordingly, if a challenge to a license revocation is pending at the time of a final decision by ACF on required competition, the grantee would still be required to compete for further funding.

It should be noted that revocation of a license to operate either a child care facility or program, or any other necessary permit, can be grounds for a "deficiency" finding, as the term is defined in section 637(2) of the Act. Failure to correct a deficiency within the allotted time is grounds to terminate an agency from the Head Start or Early Head Start program under section 641A(e)(1)(C) of the Act. An agency that has had its license revoked, but subsequently has it restored during the period for deficiency correction, still would be required to recompete for funding because of the revocation. ACF understands that licensing requirements vary based on State and locality, but agrees with the Committee that licensing standards reflect the standards of care for young children in that community and a sustained license revocation is a serious violation of those standards. ACF is aware of the fact that some grantees, like local government agencies and Indian tribes, are responsible both for administering Head Start programs and enforcing licensing standards applicable to Head Start facilities. We are concerned about the potential conflict of interest that could arise when such agencies are called to apply licensing standards to their own facilities. ACF is seeking comment on this concern and ideas for mitigating risks that may be associated with this condition. ACF also is seeking comment on its impact on large grantees.

Section 1307.3(b)(5) proposes another condition, which was recommended by the Committee: Whether an agency has been suspended from the Head Start or Early Head Start program by ACF. "Suspension of a grant" is defined at 45 CFR 1303.2 as the "temporary withdrawal of the grantee's authority to obligate grant funds pending corrective action by the grantee." In accordance with 45 CFR 1303.12(a), ACF may suspend a grant "in whole or in part without prior notice and an opportunity to show cause if it is determined that immediate suspension is necessary because of a serious risk of: (1) Substantial injury to property or loss of project funds; or (2) violation of a Federal, State, or local criminal statute; or (3) if staff or participants' health and safety are at risk." A grantee that has been suspended by ACF will be required to compete for further funding unless the suspension has been overturned or withdrawn before the date of ACF's decision about requiring competition under section 1307.7. A grantee that has had its suspension withdrawn or overturned before the ACF decision under section 1307.7 may still be required to compete for further funding based on having met one of the other conditions/criteria in section 1307.3. ACF agrees that any Head Start agency that has been suspended successfully has demonstrated an extremely poor performance and should be required to recompete. A pending challenge to the suspension or restoration of the grantee to the Head Start program after correction of the violation shall not affect application of this requirement. If there is a risk of the loss of Federal funds as a result of mismanagement by a Head Start or Early Head Start agency, ACF will suspend the agency.

The final two conditions are described in paragraphs (b)(6) and (b)(7), which address the area of fiscal and internal controls by proposing that an agency is required to recompete if it is debarred by any Federal or State agency from receiving Federal or State funds or is disqualified from the Child and Adult Care Food Program (CACFP); or is determined to have one or more material weaknesses or to be unable to ensure that it can continue as a going concern.

Section 1307.3(b)(6) proposes as the sixth condition, Head Start agency debarment by a Federal or State agency from receiving Federal or State funds or disqualification from the Child and Adult Care Food Program (CACFP). CACFP disqualification applies to individuals who have been disqualified from participation in the CACFP as principals of institutions, sponsored centers, or as operators of day care homes, as a result of being determined to be responsible for an uncorrected serious deficiency in the operation of an institution, a sponsored center, or a family day care home that participates in the program. This is consistent with the Committee's recommendation that grantees that have been debarred should be considered to be poor performing programs that should have to recompete for their grants. Debarment is grounds for a deficiency finding under section 637(2) of the Head Start Act. Where a deficiency involving debarment exists, the means for correction of the deficiency would be for an agency to obtain a waiver pursuant to 2 CFR 180.135. A former grantee during the period of its debarment would not be eligible for grants and other "Covered Transactions," including grants under the Head Start Act. 2 CFR 180.130(a). An agency that is terminated because it has been debarred will not be in the position to be refunded without undergoing competition because it is no longer participating in the Head Start or Early Head Start program. While we cannot preclude previously debarred grantees after their period of debarment has ended from applying in an open competition, past performance is a criterion for funding under section 641(d)(2)(A) of the Act.

Section 1307.3(b)(7) proposes the final of the seven conditions in paragraph (b), which incorporates two criteria that are consistent with the Committee's recommendations concerning the area of financial management. The Committee proposed that audit findings that determine an agency is unable to ensure it can continue as a going concern and/or that an agency has received a designation of high risk should be used as indicators of program performance determination criteria for recompetition. ACF believes that an agency that is determined to have one or more material weaknesses or to be unable to ensure that it can continue as a going concern is a high-risk agency that has demonstrated poor financial performance that should result in the grantee being required to recompete for renewal. We propose to use the definitions described in section 1307.2 for "material weakness" and "going concern." Section 1307.3(b)(7) provides that the basis for the two criteria in this condition will be findings and opinions of either an audit conducted in accordance with section 647 of the Act; an audit, review or

investigation by a State agency; a review by the National External Audit Review (NEAR) Center; or an audit, investigation or inspection by the Department of Health and Human Services Office of Inspector General as mandated under Public Law 95–452. We considered including as another criterion in the area of financial management whether the grantee had a disallowance of any of its Head Start or Early Head Start funds. As defined in the HHS Uniform Administrative Requirements implemented at 45 CFR 74.2, "disallowed costs" means "those charges to an award that the HHS awarding agency determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award." However, we recognize that an instance of disallowed costs would lead to a deficiency finding by ACF in most cases and therefore did not include this as one of the criteria for recompetition.

In our development of this proposed rule, we also considered incorporating into the DRS two other conditions: The results of Head Start agencies' Program Information Reports (PIR) and agency bankruptcy. However, based on the rationales described below, we decided that the PIR should be used only in a limited way and bankruptcy should not be included as a DRS condition.

The PIR is a survey tool used by ACF to collect self-reported information about Head Start and Early Head Start services received by children and families enrolled in Head Start programs. ACF uses the information collected through the PIR to inform the public and Congress about the status of children in Head Start programs as required by the Act. We recognize that Congress included the PIR as a source of information for the DRS in the 2007 reauthorization of the Head Start Act. Specifically, section 641(c)(1)(E) of the Act requires that Program Information Reports (PIR) be only one of the sources of information that the DRS will use to make its determination of whether the grantee meets the program and financial management requirements and standards described in section 641A(a)(1) of the Act. However, the Committee stated in its report that the PIR has "significant limitations," and noted in particular "documented reliability problems." In addition, a number of public comments were received by the Committee arguing against use of PIR data as part of the DRS due to reliability concerns. We note that in carrying out ongoing Federal oversight of programs, and as preparation for conducting triennial reviews, Federal staff already review the PIR data of specific programs and look for "red flags" that warrant follow-up attention. Therefore, ACF proposes to continue to utilize PIR data when gathering background information about programs, including when performing DRS reviews, with due regard to its limitations.

Similarly, we considered incorporating bankruptcy as another condition under the DRS, but instead we propose to regard bankruptcy as a "red flag" that should result in further inquiry. We note that the Committee recommended that bankruptcy be included in the automatic conditions for recompetition by stating that it is "indicative of instability in the program." While we agree that this is a very serious situation that raises the question of whether a grantee is in sound enough fiscal condition to continue to be funded to operate a Head Start program, we believe that it is possible that, in some cases, a grantee could file for bankruptcy or agree to a reorganization plan as part of a bankruptcy settlement, but could continue to be able to function as a Head Start program if it still has its Head Start funding intact. In addition, we believe that the two financial conditions we propose to establish in section 1307.3(b)(7) are sufficient to satisfy the Committee's recommendations concerning financial management.

Section 1307.4—Grantee Reporting Requirements Concerning Certain Conditions

Section 1307.4 proposes reporting requirements concerning the occurrence of certain conditions related to requirements for grant recompetition under section 1307.3. Under proposed paragraph (a), Head Start and Early Head Start agencies are required to report in writing to ACF within ten working days of occurrence of any of the following events: (1) The agency has had a license to operate a center revoked by a State or local licensing entity; (2) the agency has filed for bankruptcy or agreed to a reorganization plan as part of a bankruptcy settlement; (3) the agency has been debarred from receiving Federal or State funds from any Federal or State department or agency or has been disqualified from The Child and Adult Care Food Program (CACFP); or (4) the agency has received an audit, audit review, investigation or inspection report from the agency's auditor, a State agency, or the cognizant Federal audit agency containing a determination that the agency has one or more material weaknesses or is at risk for ceasing to function as a going concern.

Currently Head Start and Early Head Start agencies are not required to report these occurrences. ACF believes that timely reporting of the occurrences is warranted because of their potential seriousness and that ten days is a reasonable amount of time for the agency to report the occurrence to ACF. Failure to comply with the reporting requirement may result in additional monitoring of the grantee in order to determine whether or not there is basis for ACF to issue a finding of non-compliance or deficiency. While we considered making the failure to report any of these occurrences another condition that would require recompetition automatically, we recognized that the majority of grantees will comply with these reporting requirements. We also would not want to force a grantee to recompete based on an honest mistake whereby it missed the 10-day reporting deadline or an extenuating circumstance whereby it was unable to comply with the deadline. However, if we learn through the Head Start monitoring process, or other measures, that a grantee deliberately neglected to report any of these occurrences, then ACF will issue a deficiency finding and the grantee would be required to compete based on the condition described in section 1307.3(b)(1).

Section 1307.5—Requirements To Be Considered for Designation for a Five-Year Period When No Entity in a Community Is Determined To Be Delivering a High-Quality and Comprehensive Head Start Program

Section 641(d) of the Act requires that "if no entity in a community is determined to be successfully delivering a high-quality and comprehensive Head Start program * * * the Secretary shall, after conducting an open competition, designate for a five-year period a Head Start agency from among qualified applicants in such community." If a grantee is found to meet any of the conditions/criteria in section 1307.3, its service area will be subject to an open competition to determine if it or another provider is best able to serve children and families in that community. Section 641(h) of the Act explains that "for purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary), or a neighborhood or other area (irrespective of boundaries or

political subdivisions) that provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program."

Section 1307.5 proposes requirements for how to compete for the opportunity to be awarded a five-year grant if no entity in a community is determined to be successfully delivering a high-quality and comprehensive Head Start program. We are proposing that any agency that has had its Head Start or Early Head Start grant terminated in the preceding five years will be excluded from participating in such a competition for a period of five years due to the extremely serious nature of uncorrected deficiencies that would have led to such a termination. ACF believes that because of their poor performance such organizations cannot be considered to be 'qualified applicants' in a community under section 641(d)(1) of the Head Start Act.

Under this section, we propose that in order to compete for the opportunity to be awarded a five-year grant, an agency must submit an application to the designated ACF official that demonstrates it will deliver a high-quality and comprehensive program. The application must address the criteria for selection listed at section 641(d)(2) of the Act.

Section 641(d)(2) of the Act provides the factors ACF will consider in selecting a grantee, including the applicant's past performance and plans to provide comprehensive services, attract and retain qualified staff, maintain strong fiscal controls and cost effective fiscal management, maintain child to teacher ratios, meet the program performance standards, coordinate and collaborate with other early childhood education and development entities, and facilitate parent involvement in their program.

In cases in which a new grantee is selected as a result of recompetition, ACF believes that the transition generally will proceed without any disruption of services to children and families in the community served. If ACF determines that a particular transition poses a risk of disruption of services, ACF may exercise its statutory authority to utilize the replacement process in exceptional circumstances.

Section 1307.6—Tribal Government Consultation Under the Designation Renewal System for When an Indian Head Start Grant Is Being Considered for Competition

This section proposes a process for Tribal government consultation under the Designation Renewal System for when an Indian Head Start grant is being considered for competition. American Indian and Alaska Native Head Start programs provide Head Start services to Tribes, bands, pueblos, or other organized groups or communities, including native villages, recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Section 641(c)(7)(B) of the Act prescribes a specific timeframe and process for implementing the DRS for Indian Head Start agencies, which differs from the DRS for other Head Start agencies. For instances in which an Indian Head Start agency is determined to not be delivering a high-quality and comprehensive Head Start program, the Act requires the Secretary of HHS to engage in government-to-government consultation with the appropriate Tribal government or governments in order to establish a plan to improve the quality of Head Start programs operated by the Indian Head Start agency. The Act requires that the Secretary of HHS reevaluate the performance of the Indian Head Start agency no more than six months after the implementation of the plan. If the Indian Head Start agency still is not delivering a high-quality and comprehensive Head Start program, the Secretary shall conduct an open competition.

This section proposes the same process that is required by section 641(c)(7)(B) of the Act. Under paragraph (a), when making a designation renewal determination, the designated ACF official will engage in government-to-government consultation with the appropriate Tribal government or governments for the purpose of establishing a plan to improve the quality of Head Start programs operated by the Indian Head Start agency.

The plan will be established and implemented within six months after the designated ACF official's determination. Not more than six months after the implementation of that plan, the designated ACF official will reevaluate the performance of the Indian Head Start agency and will conduct an open competition following a determination that the Indian Head Start agency still is not delivering a high-quality and comprehensive Head Start program.

Per section 641(e) of the Act, a non-Indian Head Start agency will not be eligible to receive a grant to carry out an Indian Head Start program, unless no Indian Head Start agency in the community is available for designation to carry out an Indian Head Start program. In such a circumstance, a non-Indian Head Start agency may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available and is designated pursuant to section 641 of the Act.

Accordingly, under proposed paragraph (b), a non-Indian Head Start or Early Head Start agency will not be eligible to receive a grant to carry out an Indian Head Start program, unless there is no Indian Head Start or Early Head Start agency available for designation to carry out an Indian Head Start or Indian Early Head Start program.

Under proposed paragraph (c), a non-Indian Head Start or Early Head Start agency may receive a grant to carry out an Indian Head Start program only until such time as an Indian Head Start or Indian Early Head Start agency in such community becomes available and is designated.

Section 1307.7—Designation Request and Review Process

As discussed earlier in this preamble, following publication of the final rule, ACF will implement the DRS and, consistent with section 641(c)(9) of the Act, will transition the current continuous grants into five-year grants over a three-year period. One-third of grantees will be reviewed in each of three years to determine if they meet any of the conditions/criteria set out in section 1307.3 that would require recompetition or if they will receive the first five-year grant non-competitively. The designation review will be scheduled to occur during the year following the year that the grantee has its triennial review.

ACF's designation review will examine relevant records about the grantee's performance since June 12, 2009, and no data prior to June 12, 2009 will be considered in order to comply with section 641(c)(9)(B) of the Act, which describes the following limitation for the transition to the DRS: "A Head Start agency shall not be subject to the requirements of the system for designation renewal prior to 18 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007." As discussed previously, there is one exception to this time period. ACF proposes an alternative relevant time period to be considered for the third condition described in section 1307.3(b)(3), which considers the results of the classroom interaction rating system known as "CLASS: Pre-K." ACF proposes to delay implementing the consideration of results from CLASS: Pre-K until after

the effective date of the regulation and beginning in the third year of the three-year transition period because the use of CLASS still is relatively new to many Head Start agencies. Therefore, results from CLASS: Pre-K will not be considered starting on June 12, 2009 and instead will be considered starting after the effective date of this Part and beginning in the third year of the three-year transition period.

Paragraph (a) proposes that agencies wishing to be renewed without competition must request that status. Under paragraph (b)(1), in the three years after the effective date of the final rule, during the year after review of a Head Start or Early Head Start agency under section 641(c)(1)(A) of the Act, each agency that has requested non-competitive renewal would be reviewed to determine whether the conditions/criteria in proposed section 1307.3 are met, using information on the agency's performance since June 12, 2009.

As provided under paragraph (b)(2), ACF proposes to provide preliminary notice to each grantee of the results of the designation review at least twelve months before expiration of their current grant. Such notices will be in writing by registered mail return receipt requested providing preliminary notice under paragraph (b)(2)(i), that the agency will be required to compete for funding for an additional five-year period based on a determination that one or more conditions/criteria in proposed section 1307.3 are met, or under (b)(2)(ii), that the agency has been determined on a preliminary basis to be eligible for renewed funding under section 1307.3.

ACF proposes to provide final notice to the grantee of the designation decision at least six months before expiration of their current grant. A grantee determined to be delivering a high-quality and comprehensive Head Start or Early Head Start program, as established by the fact that none of the conditions/criteria in proposed section 1307.3 are met for its program, will be awarded a five-year grant non-competitively. A grantee determined to be not delivering a high-quality and comprehensive Head Start or Early Head Start program, as established by the fact that one or more of the conditions/criteria in proposed section 1307.3 are met, will be subject to open competition for the opportunity to be awarded a five-year grant. Proposed paragraph (b)(3) provides that at least six months before the expiration of the grant of an agency, written notice by certified mail return receipt requested will be sent of the final finding that the agency is eligible for renewed funding without competition, or that the agency will be required to recompete for funding for an additional five-year period based on a determination under section 1307.3. ACF invites grantees to comment on the proposed transition plans.

Following the transition period, all existing grantees will be subject to a five-year grant period. As provided in paragraph (c)(1), during the fourth year of the grant period, ACF will review all relevant data about a grantee's performance and make a determination, based on the conditions/criteria established in section 1307.3, of whether the grantee is providing high-quality, comprehensive services. Grantees for which none of the conditions/criteria in proposed section 1307.3 are met will not be required to recompete under proposed section 1307.3 and will be awarded another five-year grant. Grantees for which one or more of the conditions/criteria in proposed section 1307.3 are met will be required to compete.

Following the approach proposed for the transition period under paragraph (a) and (b), ACF proposes under paragraph (c)(2) to provide preliminary notice to the grantee of the results of the designation review at least twelve months before expiration of their current five-year grant, subject to revision based on developments that take place within the ensuing six-month period.

Under paragraph (c)(3), ACF proposes to provide final notice to the grantee of the designation decision at least six months before expiration of their current five-year grant. Grantees determined to be delivering a high-quality and comprehensive program, evidenced by not meeting any of the conditions/criteria, will be awarded a five-year grant non-competitively. For grantees determined not to be delivering a high-quality and comprehensive Head Start or Early Head Start program, ACF proposes to provide final notice to the grantee at least six months before expiration of their current five-year grant that they will have to compete for the opportunity to be awarded a five-year grant.

Section 1307.8—Use of CLASS: Pre-K Instrument in the Designation Review System

ACF is proposing in section 1307.8 that, except when all children are served in a single classroom, ACF will conduct multiple class observations and rate the conduct of the classes observed using the Classroom Assessment Scoring System: Pre-K (CLASS: Pre-K) instrument. When the grantee serves the children in its program in a single class, that class will be observed and rated using the CLASS: Pre-K instrument. The domain scores for that single class will be the domain scores for the grantee for that observation. For grantees that serve children in multiple classrooms, ACF will conduct CLASS: Pre-K observations on a subset of the classrooms. After the CLASS: Pre-K observation is completed, ACF will report to the grantee the scores of the classes observed during the observation in each of the domains covered by the CLASS: Pre-K instrument. ACF will average the scores in each of the domains for all classrooms assessed during a CLASS: Pre-K observation to determine the grantee's score in each domain. As provided in section 1307.3(b)(3), an agency that has been determined by ACF to have a score of one, on one or more domains during the transition period or a score below three, on one or more domains, for the period after the close of the transition period on each of the two most recent CLASS: Pre-K observations in the time period covered by an ACF decision under section 1307.7 will be required to compete for designation renewal. As provided under section 1307.3(b)(3), the CLASS: Pre-K condition will apply to CLASS: Pre-K observations in DRS reviews under section 1307.7(c) that take place after the effective date of this Part and during the third year of the transition period. As discussed earlier in the preamble, ACF is considering alternatives for calculating CLASS: Pre-K scores to determine the need to recompete and we welcome comments on those alternatives.

IV. Paperwork Reduction Act

This rule establishes new information collection requirements in section 1307.4. As required by the Paperwork Reduction Act of 1995, codified at 44 U.S.C. 3507, ACF will submit a copy of these sections to the Office of Management and Budget (OMB) for review and they will not be effective until they have been approved and assigned a clearance number.

Requirement	Respondents	Annual	Average burden per respondent (hours)	Total burden hours
Per section 1307.4, Head Start and Early Head Start agencies must report to ACF within ten working days of occurrence of any of the following: (1) The agency has had a license to operate a center revoked by a State or local licensing entity. (2) The agency has filed for bankruptcy or agreed to a reorganization plan as part of a bankruptcy settlement. (3) The agency has been debarred from receiving Federal or State funds from any Federal or State agency or has been disqualified from the Child and Adult Care Food Program (CACFP). (4) The agency has received an audit, audit review, investigation or inspection report from the agency's auditor, a State agency, or the cognizant Federal audit agency containing a determination that the agency: Has one or more material weaknesses; or is at risk of failing to function as a going concern.	12–22 grantees	1 hour or less	1 hour or less	12–22 hours.
Per section 1307.7(a), each Head Start or Early Head Start agency wishing to be renewed for five years without competition shall request that status from ACF immediately after its review under section 641A(c)(1)(A).	1,600 grantees	1 hour or less	1 hour or less	1,600 hours.

We estimate the costs of implementing these requirements will be approximately $20,000 annually.

We do not anticipate that Head Start agencies would be gathering new information to accomplish these changes. They only will be required to inform ACF that the event has occurred or that they wish to have their designation renewed.

With respect to these provisions, ACF will consider comment by the public on this proposed collection of information in the following areas:

- Evaluating whether the proposed collection is necessary for the proper performance of the functions of ACF, including whether the information will have practical utility;
- Evaluating the accuracy of ACF's estimate of the proposed collection of information, including the validity of the methodology and the assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology, *e.g.,* permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the regulations. Written comments to OMB for the proposed information collection should be sent directly to the following: Office of Management and Budget, either by fax to 202–395–6974 or by e-mail to *OIRA at submission@omb.eop.gov.* Please mark faxes and e-mails to the attention of the desk officer for ACF.

V. Regulatory Flexibility Act

The Secretary certifies that, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not result in a significant economic impact on a substantial number of small entities. The actions required of grantees to comply with the reporting, recordkeeping, and other requirements of this rule do not require significant expenditures of funds.

Specifically, as noted under the Paperwork Reduction Act section of this preamble, we estimate the cost of implementing new reporting requirements to be approximately $20,000 annually, which when applied to all 1,600 grantees nationally, results in a cost per grantee of less than $20. In addition, only a subset of the 1,600 grantees will be required to compete for renewal of a grant under these regulations. At least 25 percent of grantees reviewed in a year will be affected by the regulation. Those grantees that need to compete for another five-year grant are required to submit an application. Since all grantees currently are required to submit a refunding application each year for their noncompetitive grant, there only will be an incremental increase in costs for grantees that must prepare and submit a competitive application. We estimate those costs to be less than $1,500 for each grantee submitting a competitive application. In developing this estimate, we assumed that the primary cost factor relates to hourly salaries of the staff that likely would be involved in a refunding application. Further, we assumed that grantees could spend up to twice as much time preparing this competitive application as they do on their regular annual refunding application.

These rules primarily are intended to ensure accountability for Federal funds consistent with the purposes of the Head Start Act and are not duplicative of other requirements. In developing this notice of proposed rulemaking, we sought to implement the new and expanded requirements of the Head Start Act in a manner that does not impinge on a small entity's ability to design and manage effective and responsive Head Start programs. At the same time, we sought to focus renewed attention on strengthening accountability for Head Start programs and increasing quality outcomes for low-income families. We believe this rule implements the aims of the Head Start Act, as amended, to improve the effectiveness of Head Start programs while preserving Head Start grantees' abilities to continue using creativity and innovation to promote the school readiness of low-income children. We request public comments on whether we have adequately considered all costs for small entities and achieved the balance described above.

VI. Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this notice of proposed rulemaking is consistent with these priorities and principles. These regulations primarily implement statutory changes to the Head Start program enacted in the Improving Head Start for School Readiness Act of 2007 (Pub. L. 110–134). We have consulted with the Office of Management and Budget (OMB) and determined that these rules meet the criteria for a significant regulatory action under E.O. 12866. Thus, they were subject to OMB's review.

ACF does not believe there will be a significant economic impact from this regulatory action. At least 25 percent of grantees reviewed in a year will be affected by the regulation. Combining the costs of implementation of these rules for all grantees (approximately $20,000 annually) and the costs to those subset of grantees that would be required to compete in any year (estimated to be no more than $1,500 for each grantee), the total cost per year resulting from this regulation is well under $1 million.

VII. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If an agency must prepare a budgetary impact statement, section 205 requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule consistent with the statutory requirements. Section 203 requires a plan for informing and advising any small government that may be significantly or uniquely impacted. The Department has determined that this rule, in implementing the new statutory requirements, would not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year.

VIII. Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. Chapter 8.

IX. Executive Order 13132

Executive Order 13132, Federalism, requires that Federal agencies consult with State and local government officials in the development of regulatory policies with federalism implications. This rule will not have substantial direct impact 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

X. Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, ACF has concluded that it is not necessary to prepare a Family Policymaking Assessment.

List of Subjects in 45 CFR Part 1307

Education of disadvantaged, Grant programs-social programs.

(Catalog of Federal Domestic Assistance Program Number 93.600, Head Start)

Dated: June 14, 2010.

Carmen R. Nazario,

Assistant Secretary for Children and Families.

Approved: June 14, 2010.

Kathleen Sebelius,

Secretary.

For the reasons set forth in the preamble, we propose to amend 45 CFR Chapter XIII by adding part 1307 to read as set forth below:

PART 1307—POLICIES AND PROCEDURES FOR DESIGNATION RENEWAL OF HEAD START AND EARLY HEAD START GRANTEES

Sec.

1307.1 Purpose and scope.
1307.2 Definitions.
1307.3 Basis for determining whether a Head Start agency will be subject to an open competition.
1307.4 Grantee reporting requirements concerning certain conditions.
1307.5 Requirements to be considered for designation for a five-year period when no entity in a community is determined to be delivering a high-quality and comprehensive Head Start program.
1307.6 Tribal government consultation under the Designation Renewal System for when an Indian Head Start grant is being considered for competition.
1307.7 Designation request and review process.
1307.8 Use of CLASS: Pre-K Instrument in the Designation Review System.

Authority: 42 U.S.C. 9801 *et seq.*

§ 1307.1 Purpose and scope.

The purpose of this part is to set forth policies and procedures for the designation renewal of Head Start and Early Head Start programs. It is intended that these programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start and Early Head Start grantees be fully protected. The designation renewal system is established in this part to determine if Head Start and Early Head Start agencies meet the educational, health, nutritional, and social needs of the children and families they serve and qualify to be designated for funding for five years without competing for such funding as required under section 641(c) of the Head Start Act with respect to Head Start agencies and pursuant to section 645A(b)(12) with respect to Early Head Start agencies. A competition to select a new Head Start or Early Head Start to replace a Head Start or Early Head Start agency that has been terminated voluntarily or involuntarily is not part of the designation renewal system established in this part, and is subject instead to the requirements of part 1302.

§ 1307.2 Definitions.

As used in this part—

ACF means the Administration for Children and Families in the Department of Health and Human Services.

Act means the Head Start Act, 45 U.S.C. 9831 *et seq.*

Agency means a public or private non-profit or for-profit entity designated by ACF to operate a Head Start or Early Head Start program.

Designated ACF official means the Official authorized under Department of Health and Human Services delegations authority to perform actions required or authorized by statute, regulation, delegation, or order of a superior official.

Early Head Start Agency means a public or private non-profit or for-profit entity designated by ACF to operate an Early Head Start program to serve pregnant women and children from birth to age three, pursuant to section 645A(e) of the Head Start Act.

Going concern means an organization that operates without the threat of liquidation for the foreseeable future, a period of at least 12 months.

Head Start Agency means a local public or private non-profit or for-profit entity designated by ACF to operate a Head Start program to serve children age three to compulsory school age, pursuant to section 641(b) and (d) of the Head Start Act.

Material weakness means a weakness, or a combination of weaknesses, in internal control over financial reporting such that there is a reasonable possibility that a material misstatement of the grantee's annual or interim financial statements will not be prevented or detected on a timely basis.

Transition period means the three-year time period after the effective date of the final rule on the Designation Renewal System during which ACF will convert all of the current continuous Head Start and Early Head Start grants into five-year grants after reviewing each grantee to determine if it meets any of the conditions or criteria under § 1307.3 that would require recompetition or if the grantee will receive its first five-year grant non-competitively.

§ 1307.3 Basis for determining whether a Head Start agency will be subject to an open competition.

(a) A minimum of 25 percent of all Head Start grantees (including both Head Start and Early Head Start grantees) reviewed in the same year will be required to compete for their next five years of funding.

(b) A Head Start or Early Head Start agency shall be required to compete for its next five years of funding whenever the designated ACF official determines that one or more of the following seven conditions existed during the relevant time periods described under § 1307.7:

(1) An agency has been determined by ACF to have one or more deficiencies on a single review conducted under section 641A(c)(1)(A), (C), or (D) of the Act in the period covered by an ACF review under § 1307.7.

(2) An agency has been determined by the designated ACF official based on a review conducted under section 641A(c)(1)(A), (C), or (D) of the Act during the period covered by the ACF review under § 1307.7:

(i) In the period beginning on June 12, 2009, not to have established and taken steps to achieve its goals for improving the school-readiness of children participating in their program in accordance with the requirements of section 641A(g)(2) of the Act; and

(ii) Beginning with the effective date of the part, not to have analyzed individual child-level assessment data in order to determine each child's status with regard to each of the domains of the Head Start Child Outcomes Framework for Head Start programs and the Child Competencies listed in the Early Head Start Program Performance Measures Framework for Early Head Start programs and to plan how to individualize experiences and instructional approaches to best support each child's progress; and not to have analyzed aggregated child assessment data at least three times per year, except for programs operating less than 90 days, which will be required to do so at least two times within their program period, and program data to support continuous improvement and inform professional development, staffing, and other program decisions.

(3) An agency has been determined by the designated ACF official during the period covered by an ACF review under § 1307.7:

(i) In the period after the effective date of part 1307, and for the findings identified in a DRS review under part 1307 conducted during the third year of the three-year transition period, but before the close of the three-year transition period, to have a score of one, on one or more domains on CLASS: Pre-K, on the two most recent CLASS: Pre-K observations; and

(ii) In the period after the effective date of part 1307, and for the findings identified in a DRS review under part 1307 conducted after the close of the three-year transition period, to have a score that is below three, on one or more domains of the CLASS: Pre-K on the two most recent CLASS: Pre-K observations.

(4) An agency has had its license to operate a Head Start or Early Head Start center or program revoked by a State or local licensing agency in the period covered by an ACF review under § 1307.7, and the revocation has not been overturned or withdrawn during that period. A pending challenge to the license revocation or restoration of the license after correction of the violation shall not affect application of this requirement.

(5) An agency has been suspended from the Head Start or Early Head Start program by ACF during the period covered by the designated ACF official review under § 1307.7 and the suspension has not been overturned or withdrawn before a competition for funding for the next five-year period is announced. A pending challenge to suspension or restoration of the grantee to the Head Start program after correction of the violation shall not affect application of this requirement.

(6) An agency has been debarred from receiving Federal or State funds from any Federal or State department or agency or has been disqualified from The Child and Adult Care Food Program (CACFP) any time during the period covered by the designated ACF official's review under § 1307.7 but has not yet been terminated or denied refunding by ACF. (A debarred agency will only be eligible to compete for Head Start funding if it receives a waiver described in 2 CFR 180.135.)

(7) An agency has been determined by ACF within the twelve months preceding the designated ACF official's review under § 1307.7 to have either one or more material weaknesses or to be at risk for failing to continue functioning as a going concern. The final determination is made by the designated ACF official based on a review of the findings and opinions of an audit conducted in accordance with section 647 of the Act; an audit, review or investigation by a State agency; a review by the National External Audit Review (NEAR) Center, or an audit, investigation or inspection by the Department of Health and Human Services Office of Inspector General.

(c) If a minimum of 25 percent of all Head Start grantees (including both Head Start and Early Head Start grantees) reviewed in the same year are not required to compete for their next five years of funding based on the conditions described in paragraphs (b)(1) through (7) of this section, then additional grantees up to that threshold, identified by the Secretary through established criteria, will be required to compete, pursuant to paragraph (a) of this section.

§ 1307.4 Grantee reporting requirements concerning certain conditions.

(a) Head Start agencies must report in writing to the designated ACF official within ten working days of occurrence any of the following events:

(1) The agency has had a license to operate a center revoked by a State or local licensing entity.

(2) The agency has filed for bankruptcy or agreed to a reorganization plan as part of a bankruptcy settlement.

(3) The agency has been debarred from receiving Federal or State funds from any Federal or State department or agency or has been disqualified from The Child and Adult Care Food Program (CACFP).

(4) The agency has received an audit, audit review, investigation or inspection report from the agency's auditor, a State agency, or the cognizant Federal audit

agency containing a determination that the agency has one or more material weaknesses or is at risk for ceasing to be a going concern.

§ 1307.5 Requirements to be considered for designation for a five-year period when no entity in a community is determined to be delivering a high-quality and comprehensive Head Start program.

In order to compete for the opportunity to be awarded a five-year grant, an agency must submit an application to the designated ACF official that demonstrates it will deliver a high-quality and comprehensive Head Start program. The application must address the criteria for selection listed at section 641(d)(2) of the Act. Any agency that has been terminated as a Head Start or Early Head Start agency in the preceding five years will be excluded from competing in such competition.

§ 1307.6 Tribal government consultation under the Designation Renewal System for when an Indian Head Start grant is being considered for competition.

(a) In the case of an Indian Head Start or Early Head Start agency determined not to be delivering a high-quality and comprehensive Head Start or Early Head Start program, the designated ACF official will engage in government-to-government consultation with the appropriate Tribal government or governments for the purpose of establishing a plan to improve the quality of the Head Start program or Early Head Start program operated by the Indian Head Start or Indian Early Head Start agency.

(1) The plan will be established and implemented within six months after the designated ACF official's determination.

(2) Not more than six months after the implementation of that plan, the designated ACF official will reevaluate the performance of the Indian Head Start or Early Head Start agency.

(3) If the Indian Head Start or Early Head Start agency is still not delivering a high-quality and comprehensive Head Start or Early Head Start program, the designated ACF official will conduct an open competition to select a grantee to provide services for the community currently being served by the Indian Head Start or Early Head Start agency.

(b) A non-Indian Head Start or Early Head Start agency will not be eligible to receive a grant to carry out an Indian Head Start program, unless there is no Indian Head Start or Early Head Start agency available for designation to carry out an Indian Head Start or Indian Early Head Start program.

(c) A non-Indian Head Start or Early Head Start agency may receive a grant to carry out an Indian Head Start program only until such time as an Indian Head Start or Indian Early Head Start agency in such community becomes available and is designated pursuant to this part.

§ 1307.7 Designation request and review process.

(a) In the three years after the effective date of this part, during the year after the review of a Head Start or Early Head Start agency under section 641A(c)(1)(A) of the Act, each Head Start or Early Head Start agency wishing to be renewed for five years without competition shall request that status from ACF immediately after its review under section 641A(c)(1)(A).

(b)(1) ACF shall review each Head Start and Early Head Start agency which has made a request under paragraph (a) of this section to determine if any of the conditions listed in § 1307.3(b)(1), (b)(2), or (b)(4) through (7) or the criteria under § 1307.3(c) were met by the agency's program since June 12, 2009 or if the condition listed in § 1307.3(b)(3) existed in the agency's program since the effective date of this part and beginning in the third year of the three-year transition period.

(2) Except as provided in § 1307.6, at least twelve months before the expiration date of a Head Start or Early Head Start agency's then current grant, ACF shall give written notice by certified mail return receipt requested or other system that establishes the date of receipt of the notice by the addressee, stating:

(i) The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions listed in § 1307.3(b)(1), (b)(2), or (b)(4) through (7) or the criteria under § 1307.3(c) were met by the agency's program after June 12, 2009 or if the condition listed in § 1307.3(b)(3) existed in the agency's program since the effective date of this part and beginning in the third year of the three-year transition period; or

(ii) That such agency has been determined on a preliminary basis to be eligible for renewed funding for five years without competition because ACF did not find that any conditions listed in § 1307.3(b)(1), (b)(2), or (b)(4) through (7) or the criteria under § 1307.3(c) were met by the agency's program after June 12, 2009 or the condition listed in § 1307.3(b)(3) existed in the agency's program since the effective date of this part and beginning in the third year of the three-year transition period.

(3) Except as provided in § 1307.6, at least six months before the expiration date of a Head Start or Early Head Start agency's then-current grant, ACF shall give written notice by certified mail return receipt requested or other system that establishes the date of receipt of the notice by the addressee, stating either:

(i) The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions or criteria listed in § 1307.3 were met by the agency's program during the relevant time periods described in § 1307.7(b), identifying the conditions or criteria ACF found, and summarizing the basis for the finding; or

(ii) That such agency has been determined on a final basis to be eligible for renewed funding for five years without competition because ACF did not find that any conditions or criteria listed in § 1307.3 were met by the agency's program during the relevant time periods described in § 1307.7(b). The letter will include instructions on the information it must provide to the designated ACF official in order to receive funding.

(c)(1) Beginning with the five-year grant period after the transition period under paragraph (b) of this section, at the beginning of the fourth year of a Head Start or Early Head Start agency's then current grant, an agency wishing to be renewed without competition shall request that status. ACF shall review the applicant Head Start and Early Head Start agency to determine if any of the conditions or criteria listed in § 1307.3 were met by the agency's program:

(i) Since the most recent ACF review of the agency under this part, or,

(ii) After the effective date of this part, in the case of the condition described under § 1307.3(b)(3).

(2) Except as provided in § 1307.6, at least twelve months before the expiration date of a Head Start or Early Head Start agency's grant, ACF shall give written notice by certified mail return receipt requested, or other system that establishes the date of receipt of the notice by the addressee, stating either:

(i) The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions or criteria listed in § 1307.3 were met by the agency's program during the period established in paragraphs (c)(1)(i) or (ii) of this section, identifying the conditions or criteria ACF found, and summarizing the basis for the finding; or

(ii) That such agency has been determined on a preliminary basis to be eligible for renewed funding for five years without competition because ACF

did not find that any conditions or criteria listed in § 1307.3 were met by the agency's program in the period established in paragraphs (c)(1)(i) or (ii) of this section.

(3) Except as provided in § 1307.6, at least six months before the expiration date of a Head Start or Early Head Start agency's then current grant, ACF shall give written notice by certified mail return receipt requested, or other system that establishes the date of receipt of the notice by the addressee, either stating:

(i) The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions or criteria listed in § 1307.3 were met by the agency's program during the period established under paragraphs (c)(1)(i) or (ii) of this section identifying the conditions or criteria ACF found, and summarizing the basis for the finding; or

(ii) That such agency has been determined on a final basis to be eligible for renewed funding for five years without competition because ACF did not find that any conditions or criteria listed in § 1307.3 existed in the agency's program during the period established under paragraphs (c)(1)(i) or (ii) of this section. The letter will include instructions on the information it must provide to the designated ACF official in order to receive funding.

§ 1307.8 Use of CLASS: Pre-K Instrument in the Designation Review System.

Except when all children are served in a single classroom, ACF will conduct multiple class observations and rate the conduct of the classes observed using the CLASS: Pre-K instrument. When the grantee serves the children in its program in a single class, that class will be observed and rated using the CLASS: Pre-K instrument. The domain scores for that class will be the domain scores for the grantee for that observation. After the observation is completed, ACF will report to the grantee the scores of the classes observed during the CLASS: Pre-K observation in each of the domains covered by the CLASS: Pre-K instrument. ACF will average the scores on each domain for all classrooms assessed during a CLASS: Pre-K observation to determine the grantee's score in each domain. As provided in § 1307.3(b)(3), an agency that has been determined by ACF to have a score of one, on one or more domains, during the transition period or a score below three, on one or more domains, for the period after the close of the transition period on each of the two most recent CLASS: Pre-K observations in the time period covered by an ACF decision under § 1307.7 will be required to compete for designation renewal. As provided under § 1307.3(b)(3), the CLASS: Pre-K condition will apply to CLASS: Pre-K observations in DRS reviews under § 1307.7(c) that take place after the effective date of this part and during the third-year of the transition period.

[FR Doc. 2010–23583 Filed 9–21–10; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAR Case 2009–034; Docket 2010–0098; Sequence 1]

RIN: 9000–AL73

Federal Acquisition Regulation; TINA Interest Calculations

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to revise the clauses at FAR 52.214–27, 52.215–10 and 52.215–11 to require compound interest calculations be applied to Government overpayments as a result of defective cost or pricing data.

DATES: Interested parties should submit written comments to the Regulatory Secretariat on or before November 22, 2010 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR Case 2009–034 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting "FAR Case 2009–034" under the heading "Enter Keyword or ID" and selecting "Search". Select the link "Submit a Comment" that corresponds with "FAR Case 2009–034". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "FAR Case 2009–034" on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street, NW., Room 4041, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2009–034, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, at (202) 501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501–4755. Please cite FAR case 2009–034.

SUPPLEMENTARY INFORMATION:

A. Background

On September 14, 2009, the U.S. Court of Appeals for the Federal Circuit (CAFC) issued a decision regarding the method of interest calculation on Cost Accounting Standards (CAS) cost impacts (*See GATES* v. *Raytheon Co.,* 584 F.3d 1062 (Fed. Cir. 2009)). The interest on CAS cost impacts is set by reference in the enabling statute to 26 U.S.C. 6621. The CAFC ruled that the citation led to calculation of the interest using daily compounding. The Truth in Negotiation Act (TINA) also references 26 U.S.C. 6621 for interest calculation. This proposed rule replaces the term "simple interest" as the requirement for calculating interest for TINA cost impacts with the phrase "Interest compounded daily as required by 26 U.S.C. 6622." Thus, compound interest calculations will be applied to Government overpayments as a result of defective cost or pricing data.

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

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to 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 merely clarifies the statutory method for calculating interest in the rare instances when a contractor is found to be in violation of TINA. Since TINA requirements generally do not apply to contracts with small entities,

and since the numbers of contractors found to have submitted defective cost or pricing data are a minute subset of contractors to whom TINA applies, the rule is not expected to apply to a substantial number of small entities. Furthermore, the differential in interest computing methods is not expected to amount to a significant economic impact. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Part 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2009–034), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. Chapter 35, *et seq.*

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: September 15, 2010.

Edward Loeb,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 52 as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 52.214–27 by—

a. Revising the date of the clause; and

b. Removing from paragraph (e)(1) "Simple interest" and adding "Interest compounded daily, as required by 26 U.S.C. 6622," in its place.

The revised text reads as follows:

52.214–27 Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding.

* * * * *

Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding (Date)

* * * * *

3. Amend section 52.215–10 by—

a. Revising the date of the clause; and

b. Removing from paragraph (d)(1) "Simple interest" and adding "Interest compounded daily, as required by 26 U.S.C. 6622," in its place.

The revised text reads as follows:

52.215–10 Price Reduction for Defective Cost or Pricing Data.

* * * * *

Price Reduction for Defective Cost or Pricing Data (Date)

* * * * *

4. Amend section 52.215–11 by—

a. Revising the date of the clause; and

b. Removing from paragraph (e)(1) "Simple interest" and adding "Interest compounded daily, as required by 26 U.S.C. 6622," in its place.

The revised text reads as follows:

52.215—11 Price Reduction for Defective Cost or Pricing Data—Modifications.

* * * * *

Price Reduction for Defective Cost or Pricing Data-Modifications (Date)

* * * * *

[FR Doc. 2010–23589 Filed 9–21–10; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket number FWS-R4-ES-2010-0051]
[MO 92210-0-0008-B2]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List *Agave eggersiana* (no common name) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12–month petition finding.

SUMMARY: We, the Fish and Wildlife Service (Service), announce a 12–month finding on a petition to list the plant *Agave eggersiana* (no common name) as endangered under the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information, we find that listing *A. eggersiana* is warranted. Currently, however, listing *A. eggersiana* is precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Upon publication of this 12-month petition finding, we will add *A. eggersiana* to our candidate species list. We will develop a proposed rule to list *A. eggersiana* as our priorities allow. We will make any determination on critical habitat during development of the proposed listing rule. In any interim period the status of the candidate taxon will be addressed through our annual Candidate Notice of Review (CNOR).

DATES: The finding announced in this document was made on September 22, 2010.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov* at Docket Number [**FWS-R4-ES-2010-0051**]. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, Road 301, Km. 5.1, Boquero´n, Puerto Rico 00622. Please submit any new information, materials, comments, or questions concerning this species or this finding to the above internet address or the mailing address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Ms. Marelisa Rivera, Assistant Field Supervisor, Caribbean Ecological Services Field Office, P.O. Box 491, Boquero´n, Puerto Rico 00622; by telephone at (787) 851-7297; or by facsimile at (787) 851-7440. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the Federal Lists of Threatened and Endangered Wildlife and Plants that contains substantial scientific or commercial information that listing a species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we determine whether the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted, but immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are threatened or endangered, and expeditious progress is being made to add or remove qualified species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12–month findings in the **Federal Register**.

Previous Federal Actions

We identified *Agave eggersiana* as a category 2 candidate species in the Notice of Review published in the **Federal Register** on September 30, 1993 (58 FR 51144) and subsequent publication. A category 2 species was one for which the Service had information that proposing as endangered or threatened may be appropriate but for which sufficient information was not currently available to support a proposed rule. Designation of category 2 species was discontinued in the February 28, 1996, Notice of Review (61 FR 7596). This notice redefined candidates to include only species for which we have information needed to propose them for listing, and as a result, *Agave eggersiana* was removed from the Candidate species list.

On November 21, 1996, we received a petition from the U.S. Virgin Islands Department of Planning and Natural Resources (DPNR) requesting that we list *Agave eggersiana* and *Solanum conocarpum* as endangered. On November 16, 1998, we published in the **Federal Register** (63 FR 63659) our finding that the petition to list *A. eggersiana* and *S. conocarpum* presented substantial information indicating that the requested action may be warranted and initiated a status review on these two plants. On September 1, 2004, the Center for Biological Diversity filed a lawsuit against the Department of the Interior and the U.S. Fish and Wildlife Service (Service) alleging that the Service failed to publish a 12–month finding for *A. eggersiana* and *S. conocarpum* (*Center for Biological Diversity* v. *Norton*, Civil Action No. 1:04-CV-2553 CAP). In a stipulated settlement agreement resolving that case, signed April 27, 2005, we agreed to submit our 12–month finding for *A. eggersiana* and *S. conocarpum* to the **Federal Register** by February 28, 2006. On March 7, 2006, we published our 12–month finding (71 FR 11367) that listing of *A. eggersiana* and *S. conocarpum* was not warranted. On September 9, 2008, the Center for Biological Diversity filed a complaint challenging our 12–month finding (*Center for Biological Diversity* v. *Hamilton*, Case No. 1:08-cv-02830 -CAP). In a settlement agreement approved by the Court on August 21, 2009, the Service agreed to submit to the **Federal Register** a new 12–month finding for *A. eggersiana* by September 17, 2010. This notice constitutes the 12–month finding on the 1996 petition to list *A. eggersiana* as endangered.

Species Information

Taxonomy and Species Description

Agave eggersiana is a flowering plant of the family Agavaceae (century plant family) endemic to the island of St. Croix in the U.S. Virgin Islands. *A. eggersiana* was originally described in 1913 by Trelease from material collected on St. Croix, and is distinguished from other members of the Agavaceae family by its acaulescent (without an evident leafy stem), non-suckering growth habit (vegetative reproduction that does not form offshoots around its base), and fleshy, nearly straight leaves with small marginal prickles (1.00 millimeter (mm); 0.04 inches (in) long) that are nearly straight (Britton and Wilson 1923, p. 156; Proctor and Acevedo-Rodri´guez 2005, p. 118). Its flowers are deep yellow, 5 to 6 centimeters (cm) (1.95 to 2.34 in) long. After flowering, the panicles (inflorescence) produce numerous small vegetative bulbs (bulbils), from which the species can be propagated (Proctor and Acevedo-Rodri´guez 2005, p. 118). *Avave eggersiana* is not known to produce fruit. Furthermore, based on observations of cultivated plants, *Agave eggersiana* requires at least 10 to 15 years to develop as a mature individual and to produce an inflorescence (David Hamada, St. George Botanical Garden, 2010, pers. comm.). *Avave eggersiana* like other *Agave* species are monocarpic, meaning the plant dies after producing the spike or inflorescence.

Habitat and Distribution

Britton and Wilson (1923, p. 156) reported the species from hillsides and plains in the eastern dry districts of St. Croix but did not provide population estimates. In addition, *Agave eggersiana* is cultivated on St. Croix and St. Thomas for ornament (Trelease 1913, p. 28; Britton and Wilson 1923, p. 156; Proctor and Acevedo-Rodri´guez 2005, p. 118). Information provided in the petition (Kojis and Boulon, DPNR, 1996, pers. comm.) specified that the species was last observed growing in the wild around 1984 to 1986 on St. Croix. In 2003, DPNR stated that the species is believed to be extinct (Plaskett 2003, pers. comm.; Dalmida-Smith 2010, pers. comm.). Proctor and Acevedo-Rodri´guez (2005, p. 118) provided a general description of the species and they state that the species "now appears to be extinct in the wild." However, no citations or survey information were provided to support this statement. Subsequently, in 2010, DPNR provided information based on field visits and reported the existence of several populations in St. Croix (Dalmida-Smith 2010, pers. comm.).

Current Status

Historically, *Agave eggersiana* was reported from the north coast in Christiansted, St. Croix and along the south coast of the island. The current distribution and rarity of the species do not represent the historical range. Historically, sugar cane was the main crop on the island and dominated the economy for nearly 200 years (Shaw, 1933, p. 414). Apparently, the former land use of the areas used for sugar cane cultivation resulted in degradation of the species' habitat and nearly extirpated the species from the wild. Sugarcane is no longer cultivated on the island and the majority of the areas formerly used for sugarcane plantations are currently grasslands and early secondary forests dominated by the exotic tree *Leucaena leucocephala* (tantan).

In 2010, the Division of Fish and Wildlife of the DPNR (Dalmida-Smith 2010, pers. comm.) conducted a local status review to determine the extent of the populations of *Agave eggersiana* in St. Croix. They reported five sites where the species was found; however, it is uncertain if these populations are natural populations (individuals that come from wild populations) or if the populations consist of individuals that escaped from landscaping. The five reported sites are: (1) Manchineel/Ha'penny Beach (Southern St. Croix) with an estimated 30 individuals, which is approximately half the number of individuals that they encountered 2 years before; (2) West side of Vagthus point (Southern St. Croix) with a single individual; (3) Gallows Bay (Northern St. Croix) with several plants but no approximate number was mentioned; (4) Protestant Cay (Northern St. Croix) with an estimated 30 individuals, including a number of young plants; and (5) Ruth Island (Southern St. Croix) with a single individual that was introduced to the cay many years ago. However, the exact year of this introduction is unknown.

In February 2010, Service biologists conducted surveys of *Agave eggersiana* on St. Croix. In their 2010 surveys, Service biologists visited seven of the ten currently known populations (Table 1). They did not survey the two areas where a single individual has been reported (Ruth Island and West Vagthus point) or Buck Island Reef National Monument, where individuals have been planted and recent survey information exists. Based on their characteristics (growing mixed with native vegetation, evidence of natural recruitment and the presence of

different size classes), these surveys indicate that the species currently occurs in six areas that appear to be remnants of wild populations. Four localities (Buck Island Reef National Monument, Salt River Bay, Ruth Island, and Lagoon Picnic Area) contain individuals that were planted in recent years.

TABLE 1. CURRENTLY KNOWN POPULATIONS OF *Agave eggersiana* ON ST. CROIX.

Locality	Category	Estimated # of Adult Individuals	Source of Information
Manchineel / Ha'penny Beach	Wild	25–30	Dalmida-Smith 2010, pers. comm.; Monsegur and Vargas 2010, unpublished data
West Vagthus point	Wild	1	Dalmida-Smith 2010. pers. comm.
Gallows Bay	Wild	2–3	David Hamada. 2010, pers. comm.; Monsegur and Vargas 2010, unpublished data.
Protestant Cay	Wild	30–51 + 60 bulbils	Dalmida-Smith 2010, pers. comm.; Monsegur and Vargas 2010, unpublished data
Ruth Island	Introduced*	1	Dalmida-Smith 2010, pers. comm.
Great Pond	Wild	76 + 50 bulbils	Monsegur and Vargas 2010, unpublished data; Plaskett 2003. pers. comm.
South Shore	Wild	100 + 150 bulbils	Monsegur and Vargas 2010, unpublished data.
Salt River Bay	Introduced**	6	Monsegur and Vargas 2010, unpublished data.
Buck Island National Monument	Introduced*	5	Monsegur and Vargas 2010, unpublished data.
Lagoon Picnic Area	Landscape	177	Monsegur and Vargas 2010, unpublished data.
Total		450 +260 bulbils	

* Introduced by DPNR for conservation.
** Introduced by NPS for education and outreach.

The eight localities containing multiple *Agave eggersiana* plants are described as follows:

(1) Gallows Bay (private property) has several individuals that are considered by local experts as a remnant of a natural population (David Hamada 2010, pers. comm.). Historical documents and illustrations show that *Agave eggersiana* was common on the landscape of Gallows Bay (David Hamada 2010, pers. comm.).

(2) Protestant Cay (owned by the government but leased to a private party), has an estimated population of 51 adult individuals of different sizes and about 60 bulbils.

(3) Ha'penny Beach (private property), has an estimated population of 25 individuals of different size classes; one of the plants was found flowering during the site visit conducted by the Service in 2010.

(4) Great Pond (managed by the Department of Housing, Parks and Recreation) has a healthy population of *A. eggersiana* with different size plants and evidence of recent flowering events. This population is located near Great Pond, an area where it was suspected that descendants from wild plants may have existed (Plaskett 2003, pers. comm.).

(5) South Shore (private property), has a population of about 100 adult individuals and about 150 bulbils, all growing on small terraces at a rocky cliff. This population is actively flowering and it was noted that some of the bulbils are reaching the sea, suggesting a possible dispersal mechanism for the species.

(6) Salt River Bay National Historic Park and Ecological Preserve (SARI) (managed by the National Park Service (NPS)) has six individual plants. In 2007, personnel from the NPS planted these individuals at Salt River as part of the landscape with the idea of establishing a population at the site and for outreach purposes. At the time of the survey, five of these plants were producing spikes and were expected to produce bulbils within the following months (Monsegur and Vargas, USFWS, 2010, unpublished data). Based on information provided by personnel from NPS, additional propagation efforts with the species are planned in the near future (Lundgreen 2010, pers. comm.).

(7) Buck Island Reef National Monument (managed by the NPS) has an estimated population of five individuals. In 2007, personnel from NPS planted these five individuals on the island, but at present time there is no information regarding the breeding condition of these plants (Lundgreen 2010, pers. comm.).

(8) Lagoon Picnic Area (a public beach area that seems to be under a reforestation effort funded by the Antilitter and Beautification Commission) harbors about 177 plants as part of the landscape. The size of the individuals in this area ranges from small planted bulbils to a few adult individuals ready to flower. Based on the information gathered and observations, about 450 adult individuals and 260 bulbils are currently known in 10 localities, including 6 populations that are considered wild, 3 introduced populations for conservation and public education, and 1 landscape population (Table 1). In addition to these localities, Monsegur and Vargas (2010, personal observation) documented the species presence in private gardens scattered throughout the island. We estimate about 90 adult individuals are present in these private gardens.

At the present time, information on ecology, phenology, and genetics for *Agave eggersiana* is lacking. Samples of *A. eggersiana* from individuals in the Gallows Bay area have been collected for genetics analysis, but results were not available prior to making this finding (Ray 2010, pers. comm.).

Current evidence suggests that the wild and cultivated populations have minimum genetic variation. Therefore, all *A. eggersiana* plants (cultivated and wild) are included as part of the listable entity in this finding; however, we have focused our assessment of threats to the wild populations. Although data suggest that cultivated individuals could be used as genetic stock to aid in the long-term survival of this species, most cultivated populations are groomed to prevent recruitment and thus offer minimal conservation contribution. We do not feel that cultivated individuals propagated for private or commercial uses aid in the conservation or the recovery of the species in the wild.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533), and implementing regulations (50 CFR 424), set forth procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, a species may be determined to be endangered or threatened based on any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. In making this finding, information pertaining to *Agave eggersiana*, in relation to the five factors provided in section 4(a)(1) of the Act is discussed below.

In considering what factors might constitute threats to a species, we must look beyond the exposure of the species to a factor to evaluate whether the species may respond to the factor in a way that causes actual impacts to the species. If there is exposure to a factor and the species responds negatively, the factor may be a threat and we attempt to determine how significant a threat it is. The threat is significant if it drives, or contributes to, the risk of extinction of the species such that the species warrants listing as endangered or threatened as those terms are defined in the Act.

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

Of the currently known populations, only three areas are managed for conservation (Ruth Island, Salt River Bay, and Buck Island National Monument), the remaining populations occur within privately owned lands currently threatened by development or areas already developed and managed as tourism and residential projects. Based on information reported by the University of the Virgin Islands' Conservation Data Center (*http://cdc.uvi.edu*), at least three of the populations (Protestant Cay, Gallows Bay, and Ha'penny Beach) lie within areas identified by the DPNR as high-density land use areas, which have a higher susceptibility to development in the near future. Furthermore, Weiss (2010, pers. comm.) identified two proposed development projects within suitable habitat for the species (C&R Robin, LLC and Seven Hills Beach Resort and Casino). Based on the field assessment conducted by Service biologists, the coastal areas that harbor suitable habitat for the species are currently subject to urban and tourist development (Monsegur and Vargas 2010, personal observation).

The population at Protestant Cay seems to be affected by the use of the area as a deposit for garden debris from a hotel that occupies the majority of this small island (Monsegur and Vargas 2010, personal observation). Since *Agave eggersiana* relies on asexual reproduction, the species depends on the bulbils becoming established. Covering the bulbils with debris may result in subsequent mortality of the bulbils and lack of natural recruitment, thus affecting the long-term survival of this population. Moreover, individuals located on the edges of the population are pruned as part of the gardens' maintenance. This practice may result in mortality or mutilation of individuals since the species is monopodial (single growth axis). The population at Protestant Cay is also threatened by competition with exotic plant species. Individuals seem to be stressed due to competition with exotics as what little undeveloped habitat is left is rapidly being colonized by nonnative species (see Factor E).

The individuals located at Gallows Bay are within an area currently developed as a residential complex with the potential for future expansion, which may affect these individuals (Monsegur and Vargas 2010, personal observation). In addition, this area does not contain additional habitat to allow the current population to expand. Remaining forested areas surrounding this location are characterized by the abundance of exotic species. Areas that could be used by bulbils to become established are occupied by the exotic plant *Sansevieria cilindrica*, a species that tends to form a complete cover of the understory (see Factor E).

The areas adjacent to Ha'penny Bay on the south coast of St. Croix harbor two of the known natural populations of *Agave eggersiana* (Ha'penny Beach and South Shore). According to personnel from the DPNR (Valiulis 2010, pers. comm.) these areas are advertised by realtors as areas for tourism and residential development and, as previously mentioned, are planned for high-density development. Furthermore, the areas along the south coast that have not been developed are used for cattle or hay production, minimizing the recovery of native vegetation and, therefore, the habitat for *A. eggersiana* (Monsegur and Vargas 2010, personal observation). The development of tourist and residential projects in these coastal areas may result in the extirpation of some populations, or at the least, will reduce the chances of the populations to expand or to colonize other areas. This is exacerbated by the low potential for natural recruitment due to the small number of populations and individuals.

The population of Great Pond is located between the entrance road of the East End Marine Park office and a private property currently for sale. The population seems to be healthy based on the presence of different size plants and evidence of recent flowering events. It seems that there is suitable habitat for the species in the area; however, the area near the population is mowed and the access road limits the expansion of the population's range. Furthermore, the area adjacent to this population is a private property for sale. The possible use of the area for residential or tourist development may affect the population; owners will likely manage their properties as landscapes, which could lead to land clearing, additional mowing, and other maintenance of gardens. This could also lead to the introduction of exotics. Moreover, the abundance of grassland areas and the dominance of the exotic *Megathyrsus maximus* (guinea grass) in the area make the population *Agave eggersiana* susceptible to human-induced fires (addressed in Factor E). These exotic grasses are typically adapted to fire conditions.

Based on the above information, we consider the present or threatened destruction, modification, or curtailment of the species habitat or range as a moderate but imminent threat to wild populations of *Agave eggersiana*. The threats of possible construction developments and current management of habitat of the populations may further limit species

propagation and expansion in the foreseeable future.

Factor B: Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Agave eggersiana has been reported as a cultivar since it was described as a species in 1913 (Trelease, 1913, p. 28); historically, the majority of *A. eggersiana* found in St. Croix and St. Thomas were from landscaped areas (Britton and Wilson 1923, p. 156; Plaskett 2003, pers. comm.; Kojis and Boulon 1996, pers. comm.; Proctor and Acevedo-Rodri´guez 2005, p. 118; Acevedo-Rodri´guez 2005, pers. comm.). The species is currently distributed by the St. George Botanical Garden for conservation and private landscaping purposes. *A. eggersiana* is a commonly used ornamental species on the island, and recent declines in the number of individuals at one population along the coast of Ha'penny Bay are thought to be due to collection for ornamental purposes (Dalmida-Smith 2010, pers. comm.; Valiulis 2010, pers. comm.).

Based on the above, we consider the overutilization for commercial and recreational purposes a moderate to low but imminent threat to wild populations of the species. Although captively propagated *Agave eggersiana* are available to residents for use in private gardens, collection of wild individuals is a threat to the species, and we expect it to continue to be a threat in the foreseeable future.

Factor C: Disease or Predation

The genus *Agave* is widely affected by the agave snout weevil (*Scyphophorus acupunctatus*). This weevil has a wide distribution that includes the Greater Antilles (Cuba, Jamaica and Hispaniola) (Vaurie 1971, p. 4). The larvae of this weevil feed on the starchy base of the plant, increasing the risk of infestation by pathogens, such as a virus or fungus, later resulting in the death of the plant (Vaurie 1971, p. 4). At this time, there is no information about the occurrence of the agave snout weevil within the Puerto Rican Platform or the Lesser Antilles where St. Croix is located. A small number of individuals of *A. eggersiana* were observed with scarring along the borders of some leaves (Monsegur and Vargas 2010, personal observation). It appears that an insect or an arthropod larva may feed on the leaves; however, the exact cause and the consequences of the scarring are unknown. Nevertheless, this is important and it should be monitored as it might be an indicator of a recently arrived pest to St Croix.

On Mona Island (Puerto Rico), feral pigs are known to uproot juveniles and destroy the root system of *Agave sisalana*, to feed on the root system or to use them as a water source (Saliva 1983, 1996, personal observation). Since introduced pigs, donkeys, and goats have been reported in St. Croix we cannot discard the possible predation of *A. eggersiana* by these feral animals, particularly to young plants within the populations. The absence of evidence of predation by these species might be the result of the low number of populations of *A. eggersiana*, their isolation, and the proximity of some of these populations to human inhabited areas. However, at this time, there is no evidence that donkeys, pigs, or goats constitute a specific threat to any *A. eggersiana* populations.

Since the agave snout weevil has not been reported in St. Croix, we do not consider disease as a threat to the species. Although there is some evidence that insect or arthropod larvae may feed on the leaves of Agave *eggersiana*, there is no evidence that this is negatively impacting the species' ability to grow or reproduce. In addition, we have no evidence of grazing on *A. eggersiana* by introduced donkeys, pigs, or goats. Therefore, we do not find disease or predation to be a current threat to the species.

Factor D: The Inadequacy of Existing Regulatory Mechanisms

The Territory of the U.S. Virgin Islands currently considers *Agave eggersiana* to be endangered under the Virgin Islands Indigenous and Endangered Species Act (V.I. Code, Title 12, Chapter 2), and has amended an existing regulation (Bill No. 18-0403) to provide for protection of endangered and threatened wildlife and plants by prohibiting the take, injury, or possession of indigenous plants. Based on the number of individuals currently used for private gardens and current landscape practices in private areas, such as pruning and mowing of populations, we believe that protection provisions under the local regulation are not being appropriately enforced. Rothenberger *et al.* (2008, p. 68) mentioned that the lack of management and enforcement capacity continues to be a significant challenge for the USVI since enforcement agencies are chronically understaffed and territorial resource management offices experience significant staff turnover, particularly during administration changes.

Based on the information above, we consider the inadequacy of existing regulatory mechanisms as a current threat to the species due to a lack of enforcement. Because at least three populations exist in areas managed for conservation and public outreach, we consider this threat to be moderate to low in magnitude but imminent. We do not anticipate any regulatory or enforcement changes that would reduce this threat in the foreseeable future.

Factor E: Other Natural or Manmade Factors Affecting the Continued Existence of the Species

The islands of the Caribbean are frequently affected by hurricanes. It has been suggested that hurricanes are responsible for shaping and modifying the structure and composition of the vegetation in the Caribbean (Van Bloem *et al.* 2003, p. 137; Van Bloem *et al.* 2005, p. 572; Van Bloem *et al.* 2006, p. 517). As an endemic species to the island of St. Croix, *Agave eggersiana* would be expected to be well adapted to tropical storms. However, the low number of individuals found on the island and the reproductive biology of the species (dependence on asexual reproduction and the plant dying after flowering) increases the likelihood of stochastic events such as hurricanes extirpating a population. We believe that landslides and coastal erosion associated with hurricanes may affect the populations located along the coastal areas of St. Croix (Ha'penny Beach, South Shore, and Protestant Cay) due to their proximity to cliffs and the shoreline.

Agave eggersiana may be further threatened by climate change, which is predicted to increase the frequency and strength of tropical storms and can cause severe droughts (Hopkinson *et al.* 2008, p. 260). The cumulative effect of coastal erosion due to severe hurricanes plus the habitat modification for urban and tourist development can further diminish the availability of suitable habitat and, therefore, limit population expansion and colonization of new areas. In addition, the possibility of severe droughts may contribute to an increase in the quantity and frequency of fires on the island. These cumulative factors may reduce the number of individuals and further reduce populations.

Based on satellite images, there is evidence of human-induced fires along the south coast of the island. The vegetation of the Caribbean is not adapted to fires since this disturbance does not naturally occur on these islands (Brandeis and Woodall 2008, p. 557; Santiago-Garciá *et al.* 2008, p. 608); juvenile plants are especially vulnerable to fire damage. This regime of human-induced fires could modify the landscape by promoting exotic trees and

grasses, and by diminishing the seed bank of native species. For example the exotic *Megathyrsus maximus* is well adapted to fires and typically colonizes areas that were previously covered by native vegetation. Furthermore, the presence of this species increases the amount of fuel and, therefore, the intensity of the fire events. Due to the abundance of grasses at Great Pond, this *Agave eggersiana* population is particularly threatened by human-induced fires.

Moreover, the individuals of the populations of Protestant Cay, Gallows Bay and Great Pond are surrounded by dense stands of different species of *Sansevieria*, an herb native to Africa. This invasive species seems to be occupying the ecological niche adjacent to the known populations of *Agave eggersiana*. Plant invasion can affect the environment at three levels; at the genetic level the number of individuals of native species can be reduced below the minimum necessary for persistence, at the species diversity level the number of species present and their distribution can be reduced, and at the ecosystem level the functioning of the ecosystem can be changed (Rippey *et al.* 2002, p. 170). In this case, invasive species may constrain the number of *A. eggersiana* reducing variability in the population. Consequently, the loss of diversity of the species may eliminate *A. eggersiana* in the area affecting other organisms (e.g., insects and birds feeding on the flowers).

Based on the above information and due to the reduced number of populations and individuals, we believe that the species is currently threatened by natural or manmade factors such as hurricanes, fires, and competition from exotic species. Climate change may exacerbate these habitat threats by increasing the frequency of fires, droughts, and hurricanes. We consider these threats to be moderate and imminent. We do not anticipate any changes that would appreciably reduce this threat in the foreseeable future.

Finding

As required by the Act, we conducted a review of the status of the species and considered the five factors in assessing whether *Agave eggersiana* is threatened or endangered throughout all or a significant portion of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the species. We reviewed the petition, information available in our files, other available published and unpublished information, consulted with species and habitat experts and other Federal and State agencies, and conducted field work on the island of St. Croix.

This status review identified threats to the species attributable to Factors A, B, D, and E. Of the currently known populations, only three populations are located in areas managed for conservation and public outreach (Ruth Island, Salt River Bay, and Buck Island National Monument). The remaining populations, containing about 97 percent of the currently known adult individuals, are located in areas either threatened by development pressure, or are currently affected by landscape practices and competition with exotic species, resulting in detrimental effects to reproduction and recruitment (see Factors A and E). Furthermore, the use of the *Agave eggersiana* as an ornamental species is common on the island, and evidence suggests that wild specimens are being collected due to the commercial interest in this species (Factor B). Although the species is currently listed under local regulations, lack of enforcement of local law does not provide adequate protection to ameliorate threats to the species.

On the basis of the best scientific and commercial information available and our analysis of the current and foreseeable threats to the species and its habitat, we find that listing *Agave eggersiana* (including wild and cultivated populations), is warranted. We will make a determination on the status of the species as threatened or endangered when we do a proposed listing determination. However, as explained in more detail below, an immediate proposal of a regulation implementing this action is precluded by higher priority listing actions, and progress is being made to add or remove qualified species from the Lists of Endangered and Threatened Wildlife and Plants.

We reviewed the available information to determine if the existing and foreseeable threats render the species at risk of extinction now such that issuing an emergency regulation temporarily listing the species as per section 4(b)(7) of the Act is warranted. We determined that issuing an emergency regulation temporarily listing the species is not warranted for this species at this time since approximately 450 individuals are known to occur in 10 localities (Table 1). However, if at any time we determine that issuing an emergency regulation temporarily listing the species is necessary, we will initiate this action at that time.

Listing Priority Number

The Service adopted guidelines on September 21, 1983 (48 FR 43098), to establish a rational system for utilizing available resources for the highest priority species when adding species to the Lists of Endangered or Threatened Wildlife and Plants or reclassifying species listed as threatened to endangered status. The system places greatest importance on the immediacy and magnitude of threats, but also factors in the level of taxonomic distinctiveness by assigning priority in descending order to monotypic genera, full species, and subspecies (or equivalently, distinct population segments of vertebrates).

We assigned *Agave eggersiana* an LPN of 8, based on our finding that the species faces moderate to low magnitude threats from the present or threatened destruction, modification, or curtailment of its habitat; overutilization for commercial, recreational, scientific, or educational purposes; the inadequacy of existing regulatory mechanisms; and other natural or manmade Factors. One or more of the threats discussed above are occurring, and we anticipate they will still occur in the near future in each known population in St. Croix. These threats are ongoing and in some cases considered irreversible.

Although the species faces threats, as described above, we believe these threats to be of moderate to low magnitude; at least 450 adults and 260 bulbils are known to occur in 10 populations with half showing evidence of recruitment in the wild and 3 located in areas managed for conservation and public outreach. Under the 1983 Guidelines, a "species" facing imminent moderate to low magnitude threats is assigned an LPN of 7, 8, or 9 depending on its taxonomic status. Because *A. eggersiana* is a species, but not a monotypic genus, we assigned it an LPN of 8. While we conclude that listing the species is warranted, an immediate proposal to list this species is precluded by other higher priority listing actions, which we address below.

Preclusion and Expeditious Progress

Preclusion is a function of the listing priority of a species in relation to the resources that are available and competing demands for those resources. Thus, in any given fiscal year (FY), multiple factors dictate whether it will be possible to undertake work on a proposed listing regulation or whether promulgation of such a proposal is warranted but precluded by higher-priority listing actions.

The resources available for listing actions are determined through the annual Congressional appropriations process. The appropriation for the Listing Program is available to support work involving the following listing actions: proposed and final listing rules; 90–day and 12–month findings on petitions to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists) or to change the status of a species from threatened to endangered; annual determinations on prior "warranted but precluded" petition findings as required under section 4(b)(3)(C)(i) of the Act; critical habitat petition findings; proposed and final rules designating critical habitat; and litigation-related, administrative, and program-management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat). The work involved in preparing various listing documents can be extensive and may include, but is not limited to: gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our decisions; writing and publishing documents; and obtaining, reviewing, and evaluating public comments and peer review comments on proposed rules and incorporating relevant information into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions; that is, more complex actions generally are more costly. For example, during the past several years, the cost (excluding publication costs) for preparing a 12–month finding, without a proposed rule, has ranged from approximately $11,000 for one species with a restricted range and involving a relatively uncomplicated analysis to $305,000 for another species that is wide-ranging and involving a complex analysis.

We cannot spend more than is appropriated for the Listing Program without violating the Anti-Deficiency Act (see 31 U.S.C. § 1341(a)(1)(A)). In addition, in FY 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds that may be expended for the Listing Program, equal to the amount expressly appropriated for that purpose in that fiscal year. This cap was designed to prevent funds appropriated for other functions under the Act (for example, recovery funds for removing species from the Lists), or for other Service programs, from being used for Listing Program actions (see House Report 105-163, 105th Congress, 1st Session, July 1, 1997).

Recognizing that designation of critical habitat for species already listed would consume most of the overall Listing Program appropriation, Congress also put a critical habitat subcap in place in FY 2002 and has retained it each subsequent year to ensure that some funds are available for other work in the Listing Program: "The critical habitat designation subcap will ensure that some funding is available to address other listing activities" (House Report No. 107 - 103, 107th Congress, 1st Session, June 19, 2001). In FY 2002 and each year until FY 2006, the Service has had to use virtually the entire critical habitat subcap to address court-mandated designations of critical habitat, and consequently none of the critical habitat subcap funds have been available for other listing activities. In FY 2007, we were able to use some of the critical habitat subcap funds to fund proposed listing determinations for high-priority candidate species. In FY 2009, while we were unable to use any of the critical habitat subcap funds to fund proposed listing determinations, we did use some of this money to fund the critical habitat portion of some proposed listing determinations, so that the proposed listing determination and proposed critical habitat designation could be combined into one rule, thereby being more efficient in our work. In FY 2010, we are using some of the critical habitat subcap funds to fund actions with statutory deadlines.

Thus, through the listing cap, the critical habitat subcap, and the amount of funds needed to address court-mandated critical habitat designations, Congress and the courts have in effect determined the amount of money available for other listing activities. Therefore, the funds in the listing cap, other than those needed to address court-mandated critical habitat for already-listed species, set the limits on our determinations of preclusion and expeditious progress.

Congress also recognized that the availability of resources was the key element in deciding, when making a 12–month petition finding, whether we would prepare and issue a listing proposal or instead make a "warranted but precluded" finding for a given species. The Conference Report accompanying Public Law 97-304, which established the current statutory deadlines and the warranted-but-precluded finding, states (in a discussion on 90–day petition findings that by its own terms also covers 12–month findings) that the deadlines were "not intended to allow the Secretary to delay commencing the rulemaking process for any reason other than that the existence of pending or imminent proposals to list species subject to a greater degree of threat would make allocation of resources to such a petition [that is, for a lower-ranking species] unwise."

In FY 2010, expeditious progress is that amount of work that can be achieved with $10,471,000, which is the amount of money that Congress appropriated for the Listing Program (that is, the portion of the Listing Program funding not related to critical habitat designations for species that are already listed). However these funds are not enough to fully fund all our court-ordered and statutory listing actions in FY 2010, so we are using $1,114,417 of our critical habitat subcap funds in order to work on all of our required petition findings and listing determinations. This brings the total amount of funds we have for listing action in FY 2010 to $11,585,417. Starting in FY 2010, we are also using our funds to work on listing actions for foreign species since that work was transferred from the Division of Scientific Authority, International Affairs Program to the Endangered Species Program. Our process is to make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis. The $11,585,417 is being used to fund work in the following categories: compliance with court orders and court-approved settlement agreements requiring that petition findings or listing determinations be completed by a specific date; section 4 (of the Act) listing actions with absolute statutory deadlines; essential litigation-related, administrative, and listing program-management functions; and high-priority listing actions for some of our candidate species. The allocations for each specific listing action are identified in the Service's FY 2010 Allocation Table (part of our administrative record).

In FY 2007, we had more than 120 species with an LPN of 2, based on our September 21, 1983, guidance for assigning an LPN for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats (high vs. moderate to low), immediacy of threats (imminent or nonimminent), and taxonomic status of the species (in order of priority: monotypic genus (a species that is the sole member of a genus); species; or part

of a species (subspecies, distinct population segment, or significant portion of the range)). The lower the listing priority number, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority).

To be more efficient in our listing process, as we work on proposed rules for these species in the next several years, we are preparing multi-species proposals when appropriate, and these may include species with lower priority if they overlap geographically or have the same threats as a species with an LPN of 2. In addition, available staff resources are also a factor in determining which high-priority species are provided with funding. Finally, proposed rules for reclassification of threatened species to endangered are lower priority, since as listed species, they are already afforded the protection of the Act and implementing regulations.

Given the above-mentioned funding constraints, the Service's priority is to work on: (1) listing determinations for listing actions with absolute statutory, court-ordered, or court-approved deadlines, and final listing determinations for those species that have been proposed for listing; and (2) candidate species and reclassifications of other higher priority threatened species (i.e., species with LPN of 1). This work includes all the actions listed in the tables below under expeditious progress.

As explained above, a determination that listing is warranted but precluded must also demonstrate that expeditious progress is being made to add or remove qualified species to and from the Lists of Endangered and Threatened Wildlife and Plants. (Although we do not discuss it in detail here, we are also making expeditious progress in removing species from the list under the Recovery program, which is funded by a separate line item in the budget of the Endangered Species Program. As explained above in our description of the statutory cap on Listing Program funds, the Recovery Program funds and actions supported by them cannot be considered in determining expeditious progress made in the Listing Program.) As with our "precluded" finding, expeditious progress in adding qualified species to the Lists is a function of the resources available and the competing demands for those funds. Given that limitation, we find that we made progress in FY 2009 in the Listing Program and will continue to make progress in FY 2010. This progress included preparing and publishing the following determinations:

FY 2010 COMPLETED LISTING ACTIONS

Publication Date	Title	Actions	FR Pages
10/08/2009	Listing *Lepidium papilliferum* (Slickspot Peppergrass) as a Threatened Species Throughout Its Range	Final Listing Threatened	74 FR 52013-52064
10/27/2009	90-day Finding on a Petition To List the American Dipper in the Black Hills of South Dakota as Threatened or Endangered	Notice of 90–day Petition Finding, ... Not substantial	74 FR 55177-55180
10/28/2009	Status Review of Arctic Grayling *(Thymallus arcticus*) in the Upper Missouri River System	Notice of Intent to Conduct Status ..... Review	74 FR 55524-55525
11/03/2009	Listing the British Columbia Distinct Population Segment of the Queen Charlotte Goshawk Under the Endangered Species Act	Proposed Listing Threatened	74 FR 56757-56770
11/03/2009	Listing the Salmon-Crested Cockatoo as Threatened Throughout Its Range with Special Rule	Proposed Listing Threatened	74 FR 56770-56791
11/23/2009	Status Review of Gunnison sage-grouse *(Centrocercus minimus*)	Notice of Intent to Conduct Status Review	74 FR 61100-61102
12/03/2009	12-Month Finding on a Petition to List the Black-tailed Prairie Dog as Threatened or Endangered	Notice of 12–month petition finding, Not warranted	74 FR 63343-63366
12/03/2009	90-Day Finding on a Petition to List Sprague's Pipit as Threatened or Endangered	Notice of 90–day Petition Finding, ... Substantial	74 FR 63337-63343
12/15/2009	90-Day Finding on Petitions To List Nine Species of Mussels From Texas as Threatened or Endangered With Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	74 FR 66260-66271
12/16/2009	Partial 90-Day Finding on a Petition to List 475 Species in the Southwestern United States as Threatened or Endangered With Critical Habitat	Notice of 90–day Petition Finding, ... Not substantial and Substantial	74 FR 66865-66905
12/17/2009	12–month Finding on a Petition To Change the Final Listing of the Distinct Population Segment of the Canada Lynx To Include New Mexico	Notice of 12–month petition finding, Warranted but precluded	74 FR 66937-66950
1/05/2010	Listing Foreign Bird Species in Peru and Bolivia as Endangered Throughout Their Range	Proposed Listing Endangered	75 FR 605-649

FY 2010 COMPLETED LISTING ACTIONS—Continued

Publication Date	Title	Actions	FR Pages
1/05/2010	Listing Six Foreign Birds as Endangered Throughout Their Range	Proposed Listing Endangered	75 FR 286-310
1/05/2010	Withdrawal of Proposed Rule to List Cook's Petrel	Proposed rule, withdrawal	75 FR 310-316
1/05/2010	Final Rule to List the Galapagos Petrel and Heinroth's Shearwater as Threatened Throughout Their Ranges	Final Listing Threatened	75 FR 235-250
1/20/2010	Initiation of Status Review for *Agave eggersiana* and *Solanum conocarpum*	Notice of Intent to Conduct Status Review	75 FR 3190-3191
2/09/2010	12–month Finding on a Petition to List the American Pika as Threatened or Endangered	Notice of 12–month petition finding, Not warranted	75 FR 6437-6471
2/25/2010	12-Month Finding on a Petition To List the Sonoran Desert Population of the Bald Eagle as a Threatened or Endangered Distinct Population Segment	Notice of 12–month petition finding, Not warranted	75 FR 8601-8621
2/25/2010	Withdrawal of Proposed Rule To List the Southwestern Washington/Columbia River Distinct Population Segment of Coastal Cutthroat Trout *(Oncorhynchus clarki clarki)* as Threatened	Withdrawal of Proposed Rule to .. List	75 FR 8621-8644
3/18/2010	90-Day Finding on a Petition to List the Berry Cave Salamander as Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 13068-13071
3/23/2010	90-Day Finding on a Petition to List the Southern Hickorynut Mussel *(Obovaria jacksoniana)* as Endangered or Threatened	Notice of 90–day Petition Finding, ... Not substantial	75 FR 13717-13720
3/23/2010	90-Day Finding on a Petition to List the Striped Newt as Threatened	Notice of 90–day Petition Finding, ... Substantial	75 FR 13720-13726
3/23/2010	12-Month Findings for Petitions to List the Greater Sage-Grouse *(Centrocercus urophasianus)* as Threatened or Endangered	Notice of 12–month petition finding, Warranted but ..... precluded	75 FR 13910-14014
3/31/2010	12-Month Finding on a Petition to List the Tucson Shovel-Nosed Snake *(Chionactis occipitalis klauberi)* as Threatened or Endangered with Critical Habitat	Notice of 12–month petition finding, Warranted but ..... precluded	75 FR 16050-16065
4/5/2010	90-Day Finding on a Petition To List Thorne's Hairstreak Butterfly as Threatened or Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 17062-17070
4/6/2010	12–month Finding on a Petition To List the Mountain Whitefish in the Big Lost River, Idaho, as Endangered or Threatened	Notice of 12–month petition finding, Not warranted	75 FR 17352-17363
4/6/2010	90-Day Finding on a Petition to List a Stonefly *(Isoperla jewetti)* and a Mayfly *(Fallceon eatoni)* as Threatened or Endangered with Critical Habitat	Notice of 90–day Petition Finding, ... Not substantial	75 FR 17363-17367
4/7/2010	12-Month Finding on a Petition to Reclassify the Delta Smelt From Threatened to Endangered Throughout Its Range	Notice of 12–month petition finding, Warranted but ..... precluded	75 FR 17667-17680
4/13/2010	Determination of Endangered Status for 48 Species on Kauai and Designation of Critical Habitat	Final Listing Endangered	75 FR 18959-19165
4/15/2010	Initiation of Status Review of the North American Wolverine in the Contiguous United States	Notice of Initiation of Status Review	75 FR 19591-19592

FY 2010 COMPLETED LISTING ACTIONS—Continued

Publication Date	Title	Actions	FR Pages
4/15/2010	12-Month Finding on a Petition to List the Wyoming Pocket Gopher as Endangered or Threatened with Critical Habitat	Notice of 12–month petition finding, Not warranted	75 FR 19592-19607
4/16/2010	90-Day Finding on a Petition to List a Distinct Population Segment of the Fisher in Its United States Northern Rocky Mountain Range as Endangered or Threatened with Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	75 FR 19925-19935
4/20/2010	Initiation of Status Review for Sacramento splittail *(Pogonichthys macrolepidotus)*	Notice of Initiation of Status Review	75 FR 20547-20548
4/26/2010	90-Day Finding on a Petition to List the Harlequin Butterfly as Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 21568-21571
4/27/2010	12-Month Finding on a Petition to List Susan's Purse-making Caddisfly *(Ochrotrichia susanae)* as Threatened or Endangered	Notice of 12–month petition finding, Not warranted	75 FR 22012-22025
4/27/2010	90–day Finding on a Petition to List the Mohave Ground Squirrel as Endangered with Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	75 FR 22063-22070
5/4/2010	90-Day Finding on a Petition to List Hermes Copper Butterfly as Threatened or Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 23654-23663
6/1/2010	90-Day Finding on a Petition To List *Castanea pumila* var. *ozarkensis*	Notice of 90–day Petition Finding, ... Substantial	75 FR 30313-30318
6/1/2010	12–month Finding on a Petition to List the White-tailed Prairie Dog as Endangered or Threatened	Notice of 12–month petition finding, Not warranted	75 FR 30338-30363
6/9/2010	90-Day Finding on a Petition To List van Rossem's Gull-billed Tern as Endangered orThreatened.	Notice of 90–day Petition Finding, ... Substantial	75 FR 32728-32734
6/16/2010	90-Day Finding on Five Petitions to List Seven Species of Hawaiian Yellow-faced Bees as Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 34077-34088
6/22/2010	12-Month Finding on a Petition to List the Least Chub as Threatened or Endangered	Notice of 12–month petition finding, Warranted but ..... precluded	75 FR 35398-35424
6/23/2010	90-Day Finding on a Petition to List the Honduran Emerald Hummingbird as Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 35746-35751
6/23/2010	Listing *Ipomopsis polyantha* (Pagosa Skyrocket) as Endangered Throughout Its Range, and Listing *Penstemon debilis* (Parachute Beardtongue) and *Phacelia submutica* (DeBeque Phacelia) as Threatened Throughout Their Range	Proposed Listing Endangered ..... Proposed Listing .... Threatened	75 FR 35721-35746
6/24/2010	Listing the Flying Earwig Hawaiian Damselfly and Pacific Hawaiian Damselfly As Endangered Throughout Their Ranges	Final Listing Endangered	75 FR 35990-36012
6/24/2010	Listing the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace as Endangered Throughout Their Ranges	Proposed Listing Endangered	75 FR 36035-36057
6/29/2010	Listing the Mountain Plover as Threatened	Reinstatement of Proposed Listing .... Threatened	75 FR 37353-37358
7/20/2010	90-Day Finding on a Petition to List *Pinus albicaulis* (Whitebark Pine) as Endangered or Threatened with Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	75 FR 42033-42040

FY 2010 COMPLETED LISTING ACTIONS—Continued

Publication Date	Title	Actions	FR Pages
7/20/2010	12-Month Finding on a Petition to List the Amargosa Toad as Threatened or Endangered	Notice of 12–month petition finding, Not warranted	75 FR 42040-42054
7/20/2010	90-Day Finding on a Petition to List the Giant Palouse Earthworm *(Driloleirus americanus*) as Threatened or Endangered	Notice of 90–day Petition Finding, ... Substantial	75 FR 42059-42066
7/27/2010	Determination on Listing the Black-Breasted Puffleg as Endangered Throughout its Range; Final Rule	Final Listing Endangered	75 FR 43844-43853
7/27/2010	Final Rule to List the Medium Tree-Finch *(Camarhynchus pauper*) as Endangered Throughout Its Range	Final Listing Endangered	75 FR 43853-43864
8/3/2010	Determination of Threatened Status for Five Penguin Species	Final Listing Threatened	75 FR 45497- 45527
8/4/2010	90-Day Finding on a Petition To List the Mexican Gray Wolf as an Endangered Subspecies With Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	75 FR 46894- 46898
8/10/2010	90-Day Finding on a Petition to List *Arctostaphylos franciscana* as Endangered with Critical Habitat	Notice of 90–day Petition Finding, ... Substantial	75 FR 48294-48298
8/17/2010	Listing Three Foreign Bird Species from Latin America and the Caribbean as Endangered Throughout Their Range	Final Listing Endangered	75 FR 50813-50842
8/17/2010	90-Day Finding on a Petition to List Brian Head Mountainsnail as Endangered or Threatened with Critical Habitat	Notice of 90–day Petition Finding, ... Not substantial	75 FR 50739-50742
8/24/2010	90-Day Finding on a Petition to List the Oklahoma Grass Pink Orchid as Endangered or Threatened	Notice of 90–day Petition Finding, ... Substantial	75 FR 51969-51974
9/01/2010	12-Month Finding on a Petition to List the White-Sided Jackrabbit as Threatened or Endangered	Notice of 90–day Notice of 12-month petition finding,. Not warranted	75 FR 53615-53629
9/08/2010	Proposed Rule To List the Ozark Hellbender Salamander as Endangered	Proposed ListingEndangered	75 FR 54561-54579
9/08/2010	Revised 12-Month Finding to List the Upper Missouri River Distinct Population Segment of Arctic Grayling as Endangered or Threatened	Notice of 12-month petition finding, Warranted but precluded	75 FR 54707-54753
9/09/2010	12-Month Finding on a Petition to List the Jemez Mountains Salamander (*Plethodon neomexicanus*) as Endangered or ..... Threatened with Critical Habitat	Notice of 12-month petition finding, Warranted but ..... precluded	75 FR 54822-54845

Our expeditious progress also includes work on listing actions that we funded in FY 2010 but have not yet been completed to date. These actions are listed below. Actions in the top section of the table are being conducted under a deadline set by a court. Actions in the middle section of the table are being conducted to meet statutory timelines, that is, timelines required under the Act. Actions in the bottom section of the table are high-priority listing actions. These actions include work primarily on species with an LPN of 2, and selection of these species is partially based on available staff resources, and when appropriate, include species with a lower priority if they overlap geographically or have the same threats as the species with the high priority. Including these species together in the same proposed rule results in considerable savings in time and funding, as compared to preparing separate proposed rules for each of them in the future.

Actions funded in FY 2010 but not yet completed	
Species	Action
Actions Subject to Court Order/Settlement Agreement	
6 Birds from Eurasia	Final listing determination
African penguin	Final listing determination
Flat-tailed horned lizard	Final listing determination
Mountain plover	Final listing determination
6 Birds from Peru	Proposed listing determination
Sacramento splittail	Proposed listing determination
Pacific walrus	12–month petition finding
Gunnison sage-grouse	12–month petition finding
Wolverine	12–month petition finding
Solanum conocarpum	12–month petition finding
Sprague's pipit	12–month petition finding
Desert tortoise – Sonoran population	12–month petition finding
Pygmy rabbit (rangewide)[1]	12–month petition finding
Thorne's Hairstreak Butterfly	12–month petition finding
Hermes copper butterfly	12–month petition finding
Actions with Statutory Deadlines	
Casey's june beetle	Final listing determination
Georgia pigtoe, interrupted rocksnail, and rough hornsnail	Final listing determination
7 Bird species from Brazil	Final listing determination
Southern rockhopper penguin – Campbell Plateau population	Final listing determination
5 Bird species from Colombia and Ecuador	Final listing determination
Queen Charlotte goshawk	Final listing determination
5 species southeast fish (Cumberland darter, rush darter, yellowcheek darter, chucky madtom, and laurel dace)	Final listing determination
Salmon crested cockatoo	Proposed listing determination
CA golden trout	12–month petition finding
Black-footed albatross	12–month petition finding
Mount Charleston blue butterfly	12–month petition finding
Mojave fringe-toed lizard[1]	12–month petition finding
Kokanee – Lake Sammamish population[1]	12–month petition finding
Cactus ferruginous pygmy-owl[1]	12–month petition finding
Northern leopard frog	12–month petition finding
Tehachapi slender salamander	12–month petition finding
Coqui Llanero	12–month petition finding
Dusky tree vole	12–month petition finding
3 MT invertebrates (mist forestfly(*Lednia tumana*), *Oreohelix* sp.3, *Oreohelix* sp. 31) from 206 species petition	12–month petition finding

Actions funded in FY 2010 but not yet completed	
Species	Action
5 UT plants (*Astragalus hamiltonii, Eriogonum soredium, Lepidium ostleri, Penstemon flowersii, Trifolium friscanum*) from 206 species petition	12–month petition finding
2 CO plants (*Astragalus microcymbus, Astragalus schmolliae*) from 206 species petition	12–month petition finding
5 WY plants (*Abronia ammophila, Agrostis rossiae, Astragalus proimanthus, Boechere (Arabis) pusilla, Penstemon gibbensii*) from 206 species petition	12–month petition finding
Leatherside chub (from 206 species petition)	12–month petition finding
Frigid ambersnail (from 206 species petition)	12–month petition finding
Gopher tortoise – eastern population	12–month petition finding
Wrights marsh thistle	12–month petition finding
67 of 475 southwest species	12–month petition finding
Grand Canyon scorpion (from 475 species petition)	12–month petition finding
Anacroneuria wipukupa (a stonefly from 475 species petition)	12–month petition finding
Rattlesnake-master borer moth (from 475 species petition)	12–month petition finding
3 Texas moths (*Ursia furtiva, Sphingicampa blanchardi, Agapema galbina*) (from 475 species petition)	12–month petition finding
2 Texas shiners (*Cyprinella sp., Cyprinella lepida*) (from 475 species petition)	12–month petition finding
3 South Arizona plants (*Erigeron piscaticus, Astragalus hypoxylus, Amoreuxia gonzalezii*) (from 475 species petition)	12–month petition finding
5 Central Texas mussel species (3 from 475 species petition)	12–month petition finding
14 parrots (foreign species)	12–month petition finding
Berry Cave salamander[1]	12–month petition finding
Striped Newt[1]	12–month petition finding
Fisher – Northern Rocky Mountain Range[1]	12–month petition finding
Mohave Ground Squirrel[1]	12–month petition finding
Puerto Rico Harlequin Butterfly	12–month petition finding
Western gull-billed tern	12–month petition finding
Ozark chinquapin *(Castanea pumila* var. *ozarkensis*)	12–month petition finding
HI yellow-faced bees	12–month petition finding
Giant Palouse earthworm	12–month petition finding
Whitebark pine	12–month petition finding
OK grass pink (*Calopogon oklahomensis*)[1]	12–month petition finding
Southeastern pop snowy plover & wintering pop. of piping plover[1]	90–day petition finding
Eagle Lake trout[1]	90–day petition finding
Smooth-billed ani[1]	90–day petition finding
Bay Springs salamander[1]	90–day petition finding
32 species of snails and slugs[1]	90–day petition finding
42 snail species (Nevada & Utah)	90–day petition finding
Red knot *roselaari* subspecies	90–day petition finding
Peary caribou	90–day petition finding

Actions funded in FY 2010 but not yet completed	
Species	Action
Plains bison	90–day petition finding
Spring Mountains checkerspot butterfly	90–day petition finding
Spring pygmy sunfish	90–day petition finding
Bay skipper	90–day petition finding
Unsilvered fritillary	90–day petition finding
Texas kangaroo rat	90–day petition finding
Spot-tailed earless lizard	90–day petition finding
Eastern small-footed bat	90–day petition finding
Northern long-eared bat	90–day petition finding
Prairie chub	90–day petition finding
10 species of Great Basin butterfly	90–day petition finding
6 sand dune (scarab) beetles	90–day petition finding
Golden-winged warbler	90–day petition finding
Sand-verbena moth	90–day petition finding
Aztec (beautiful) gilia	90–day petition finding
Arapahoe snowfly	90–day petition finding
404 Southeast species	90–day petition finding
High Priority Listing Actions[3]	
19 Oahu candidate species[3] (16 plants, 3 damselflies) (15 with LPN = 2, 3 with LPN = 3, 1 with LPN =9)	Proposed listing
19 Maui-Nui candidate species[3] (16 plants, 3 tree snails) (14 with LPN = 2, 2 with LPN = 3, 3 with LPN = 8)	Proposed listing
Sand dune lizard[3] (LPN = 2)	Proposed listing
2 Arizona springsnails[3] *(Pyrgulopsis bernadina* (LPN = 2), *Pyrgulopsis trivialis* (LPN = 2))	Proposed listing
2 New Mexico springsnails[3] *(Pyrgulopsis chupaderae* (LPN = 2), *Pyrgulopsis thermalis* (LPN = 11))	Proposed listing
2 mussels[3] (rayed bean (LPN = 2), snuffbox No LPN)	Proposed listing
2 mussels[3] (sheepnose (LPN = 2), spectaclecase (LPN = 4),)	Proposed listing
Altamaha spinymussel[3] (LPN = 2)	Proposed listing
8 southeast mussels (southern kidneyshell (LPN = 2), round ebonyshell (LPN = 2), Alabama pearlshell (LPN = 2), southern sandshell (LPN = 5), fuzzy pigtoe (LPN = 5), Choctaw bean (LPN = 5), narrow pigtoe (LPN = 5), and tapered pigtoe (LPN = 11))	Proposed listing

[1] Funds for listing actions for these species were provided in previous FYs.
[2] We funded a proposed rule for this subspecies with an LPN of 3 ahead of other species with LPN of 2, because the threats to the species were so imminent and of a high magnitude that we considered emergency listing if we were unable to fund work on a proposed listing rule in FY 2008.
[3] Funds for these high-priority listing actions were provided in FY 2008 or 2009

We endeavored to make our listing actions as efficient and timely as possible, given the requirements of the relevant law and regulations, and constraints relating to workload and personnel. We are continually considering ways to streamline processes or achieve economies of scale, such as by batching related actions together. Given our limited budget for implementing section 4 of the Act, these actions described above collectively constitute expeditious progress.

We intend that any proposed reclassification of *Agave eggersiana* will be as accurate as possible. Therefore, we will continue to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any

other interested party concerning this finding.

Agave eggersiana will be added to the list of candidate species upon publication of this 12–month finding. We will continue to evaluate this species as new information becomes available. This review will determine if a change in status is warranted, including the need to make prompt use of emergency listing procedures.

References Cited

A complete list of references cited is available on the Internet at *http://www.regulations.gov* and upon request from the Caribbean Ecological Services Field Office (see **ADDRESSES** section).

Author(s)

The primary authors of this notice are the staff members of the Caribbean Ecological Services Field Office.

Authority

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 2, 2010.

Paul R. Schmidt,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2010–23571 Filed 9–21–10; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–AY11

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 17B

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

ACTION: Notice of Availability of Amendment 17B to South Atlantic Snapper-Grouper Fishery Management Plan; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) has submitted Amendment 17B to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. The amendment proposes actions to specify annual catch limits (ACLs), and accountability measures (AMs) for nine snapper-grouper species, eight of which are undergoing overfishing; specify recreational and commercial allocations for golden tilefish; modify management measures to limit total mortality of each species to their respective ACLs; and add ACLs, ACTs, and AMs to the management measures that may be amended via the framework procedure. The actions contained in Amendment 17B are intended to address overfishing of eight snapper-grouper species while maintaining catch levels consistent with achieving optimum yield for all nine species included in the amendment.

DATES: Comments must be received no later than 5 p.m., eastern time, on November 22, 2010.

ADDRESSES: You may submit comments, identified by "0648–AY11", by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking Portal *http://www.regulations.gov*
- Fax: 727–824–5308, Attn: Kate Michie
- Mail: Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701

Instructions: No comments will be posted for public viewing until after the comment period is over. All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e–Rulemaking Portal: *http://www.regulations.gov*, enter "NOAA–NMFS–2010–0091" in the keyword search, then check the box labeled (Select to find documents accepting comments or submissions(, then select (Send a Comment or Submission.(NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 17B may be obtained from the South Atlantic Fishery Management Council, 4055 Faber Place, Suite 201, North Charleston, SC 29405; phone: 843–571–4366 or 866–SAFMC–10 (toll free); fax: 843–769–4520; e-mail: *safmc@safmc.net*. Amendment 17B includes an Environmental Assessment, an Initial Regulatory Flexibility Analysis, a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Statement.

FOR FURTHER INFORMATION CONTACT: Kate Michie, telephone: 727–824–5305; fax: 727–824–5308; e-mail: *Kate.Michie@noaa.gov*.

SUPPLEMENTARY INFORMATION: The South Atlantic snapper-grouper fishery is managed under the FMP. The FMP was prepared by the Council and implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

Revisions to the Magnuson–Stevens Act in 2006 require that if a stock or stock complex in an FMP is undergoing overfishing, the FMP must establish by 2010 a mechanism for specifying ACLs at a level that prevents overfishing and does not exceed the fishing level recommendations of the respective Council(s Scientific and Statistical Committee or other established peer review processes. The Magnuson-Stevens Act also requires that NMFS implement measures to ensure accountability to prevent an ACL from being exceeded or correcting for an ACL overage if one should occur. The National Standard 1 Guidelines, published on January 16, 2009 (74 FR 3178), provide guidance for establishing ACLs and AMs in our nation's fisheries.

In the South Atlantic snapper-grouper fishery there are nine species currently undergoing overfishing including: speckled hind, warsaw grouper, snowy grouper, golden tilefish, black sea bass, red grouper, gag, vermilion snapper, and red snapper. Amendment 17B includes actions to establish ACLs and AMs for eight of these species as well as black grouper. Actions to address red snapper overfishing are contained in a separate amendment (Amendment 17A).

An ACL is the level of annual catch of a stock or stock complex that if met or exceeded serves as the basis for triggering an AM. The Magnuson–Stevens Act requires ACLs be set at levels that prevent overfishing from occurring. ACLs may incorporate management and scientific uncertainty, and take into account the amount of data available and level of vulnerability to overfishing for each species. Separate ACLs may be established for each sector of a fishery, i.e., commercial and recreational. However, the combined total of all sector ACLs may not exceed the total ACL for a species or species complex.

Measures to ensure accountability, or AMs, are management controls implemented to either ensure ACLs are not exceeded or correct for an overage once ACLs or ACTs are reached during a fishing season, to reduce the risk that overfishing will occur. Depending on how timely the data are, however, it might not be realized that an ACL and/or ACT has been reached until after a season has ended. In this scenario, an AM would be used in the following fishing season to mitigate any overages that occurred in the prior fishing season. Examples of AMs that would correct or prevent an ACL overage include: prohibiting retention of a species once the sector ACL is met, shortening the length of the subsequent fishing season to account for an overage of the ACL, bag limits, quotas, fishery closure once an ACL is projected to be met, and reducing the ACL in the subsequent fishing season to account for an overage of the ACL.

In addition to specifying ACLs and AMs for nine snapper-grouper species, Amendment 17B would establish commercial and recreational allocations for golden tilefish. The commercial allocation would be set at 97 percent and the recreational allocation at 3 percent, which are 282,819 pounds (gutted weight) and 1,578 fish respectively.

Also included in Amendment 17B are revisions to the current framework procedure for specifying total allowable catch for snapper-grouper species. Modifications to the framework would include allowing adjustments to ACLs and AMs, and allow for the specification and adjustments to ACTs if new scientific information indicates a change is needed. Making adjustments to National Standard 1 harvest parameters (ACLs, ACTs, and AMs) through framework actions via regulatory amendments is less time intensive than doing so through the FMP amendment process. Thus, utilizing updated framework procedures would facilitate timely adjustments when appropriate.

The Council has submitted Amendment 17B for Secretarial review, approval, and implementation. NMFS(decision to approve, partially approve, or disapprove Amendment 17B will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistency with the Magnuson-Stevens Act and other applicable laws, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency(s decision to approve, partially approve, or disapprove Amendment 17B, and the associated rationale.

Proposed Rule for Amendment 17B

A proposed rule that would implement measures outlined in Amendment 17B has been received from the Council. In accordance with the Magnuson-Stevens Act, NMFS is evaluating Amendment 17B to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

Comments received by November 22, 2010, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: September 17, 2010.

James P. Burgess,

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

[FR Doc. 2010–23712 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 75, No. 183

Wednesday, September 22, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS-2010-0085]

Notice of Request for Approval of an Information Collection; National Animal Health Monitoring System; Small-Scale Livestock Operations 2011 Study

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate an information collection to support the National Animal Health Monitoring System Small-Scale Livestock Operations 2011 Study.

DATES: We will consider all comments that we receive on or before November 22, 2010.

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

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0085*) to submit or view comments and to view supporting and related materials available electronically.
- Postal Mail/Commercial Delivery: Please send one copy of your comment to Docket No. APHIS-2010-0085, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2010-0085.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: For information on the Small-Scale Livestock Operations 2011 Study, contact Ms. Sandra Warnken, Management and Program Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E3, Fort Collins, CO 80526; (970) 494-7193. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System; Small-Scale Livestock Operations 2011 Study.

OMB Number: 0579-xxxx.

Type of Request: Approval of a new information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) is authorized, among other things, to protect the health of our Nation's livestock and poultry populations by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible. In connection with this mission, APHIS operates the National Animal Health Monitoring System (NAHMS), which collects nationally representative, statistically valid, and scientifically sound data on the prevalence and economic importance of livestock diseases and associated risk factors.

NAHMS' national studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of livestock. APHIS is the only agency responsible for collecting data on livestock health. Participation in any NAHMS study is voluntary, and all data are confidential.

As part of an ongoing series of NAHMS studies on the U.S. livestock population, APHIS plans to conduct the Small-Scale Livestock Operations 2011 Study. Historically NAHMS studies have focused on individual commodity groups and have provided information by various operation-size groups based on the commodity of interest. This data collection will focus primarily on mixed small-scale livestock operations (more than one livestock species or commodity). A sample of small-scale livestock operations in all 50 States will be contacted. The purpose of the study is to collect information through questionnaires to:

- Provide a baseline description of animal health, marketing, and management practices on small-scale operations.
- Investigate challenges faced by small-scale operations; and
- Describe management and biosecurity practices important for the control of infectious diseases on small-scale operations.

The Small-Scale Livestock Operations 2011 Study is a one-time study with data collection administered via postal mail and telephone followup. The information collected through the study will be analyzed and organized into descriptive reports. Information sheets will be derived from these reports, and the data will be disseminated to and used by a variety of constituents, including producers, veterinarians, stakeholders, academia, and others.

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

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

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

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

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

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

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.258 hours per response.

Respondents: Small-scale livestock producers in 50 States.

Estimated annual number of respondents: 16,000.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 16,000.

Estimated total annual burden on respondents: 4,128 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 16th day of September 2010.

Kevin Shea

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–23668 Filed 9–21–10; 12:14 pm]

BILLING CODE 3410–34–S

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2010–0056]

Notice of Request for Approval of an Information Collection; National Veterinary Services Laboratories; Bovine Spongiform Encephalopathy Surveillance Program Documents

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection associated with National Veterinary Services Laboratories diagnostic support for the bovine spongiform encephalopathy surveillance program.

DATES: We will consider all comments that we receive on or before November 22, 2010.

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

- Federal eRulemaking Portal: Go to (*http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2010-0056*) to submit or view comments and to view supporting and related materials available electronically.
- Postal Mail/Commercial Delivery: Please send one copy of your comment to Docket No. APHIS-2010-0056, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2010-0056.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

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

FOR FURTHER INFORMATION CONTACT: For information on documents associated with the bovine spongiform encephalopathy surveillance program, contact Dr. Nancy Clough, VS, APHIS, 1920 Dayton Avenue, Ames, IA 50010; (515) 337-7989. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851-2908.

SUPPLEMENTARY INFORMATION:

Title: National Veterinary Services Laboratories; Bovine Spongiform Encephalopathy Surveillance Program Documents.

OMB Number: 0579-xxxx.

Type of Request: Approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) is authorized, among other things, to carry out activities to detect, control, and eradicate pests and diseases of livestock within the United States. APHIS' National Veterinary Services Laboratories (NVSL) safeguard U.S. animal health and contribute to public health by ensuring that timely and accurate laboratory support is provided by their nationwide animal health diagnostic system.

NVSL conducts an ongoing surveillance program to monitor and assess changes to the BSE status of U.S cattle and to provide mechanisms for early detection of BSE. NVSL collects samples from a variety of sites and from the cattle populations where the disease is most likely to be detected. These diagnostic services involve information collection activities, including the BSE Surveillance Submission Form/Continuation Sheet (VS Forms 17-146/17-146A) and the BSE Surveillance Data Collection Form (VS Form 17-131).

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

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

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

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

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

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

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.1000068 hours per response.

Respondents: Slaughter establishments, offsite collection facilities for condemned slaughter, 3D/4D facilities, veterinary diagnostic laboratories, and State animal health personnel.

Estimated annual number of respondents: 60.

Estimated annual number of responses per respondent: 732.95.

Estimated annual number of responses: 43,977.

Estimated total annual burden on respondents: 4,398 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 16th day of September 2010.

Kevin Shea

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2010–23670 Filed 9–21–10; 12:14 pm]

BILLING CODE 3410–34–S

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration (ITA).

Title: International Buyer Program (IBP) Application and Exhibitor Data Form.

OMB Control Number: 0625–0151.

Form Number(s): ITA–4014P and ITA–4102P.

Type of Request: Regular submission.

Burden Hours: 790.

Number of Respondents: IBP Application: 130; Exhibitor Data: 2,400.

Average Hours per Response: IBP Application: 190 minutes; Exhibitor Data: 10 minutes.

Needs and Uses: Form ITA–4102P, Application, is used by IBP applicant show organizers to demonstrate (1) their experience, (2) ability to meet the special conditions of the IBP, 3) provide information about the domestic trade show such as the number of U.S. exhibitors and the percentage of net exhibit space occupied by U.S. companies vis-à-vis non-U.S. exhibitors.

The Form ITA–4014P, Exhibitor Data, is used to determine which U.S. firms are interested in meeting with international business visitors and the oversea interest of the exhibitor. The form is completed by U.S. exhibitors participating in an IBP domestic trade show and is used to list the firm and its products in an Export Interest Directory, which is made available for use by Foreign Commercial Officers in recruiting delegations of international buyers to attend an IBP show and is also distributed to IBP delegation members visiting an IBP trade show.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Wendy Liberante, (202) 395–3647.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 or via the Internet at *dHynek@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Wendy L. Liberante, Fax number (202) 395–5167 or via the Internet at *Wendy_L._Liberante@omb.eop.gov.*

Dated: September 17, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010–23643 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before October 12, 2010. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 10–054. *Applicant:* The University of Georgia (UGA), B202C Davison Life Sciences Complex, Athens, GA 30602–7229. *Instrument:* HV Pneumatic Quadrant Beam Position Monitor with I404 Quad Current Integrator. *Manufacturer:* FMB Oxford Limited, United Kingdom. *Intended Use:* The instrument will be used to study macromolecules of genomes and metabolic processes. Optimization of standard X-ray crystallographic techniques will be implemented to utilize the exceptionally intense X-rays produced by the Advanced Photon source, which are far greater than the X-ray capabilities available in the home source laboratory. The instrument must meet these specifications: An 11 mm diameter beam aperture, a He leak rate of $< 2 \times 10^{-8}$ mbar l/sec, HV compatible to $< 5 \times 10^{-7}$ mbar vacuum, an operational range of 2 bar to 7 bar, a 6 mm pneumatic air connection, and a 24 VCD (1.2W) at 50 mA solenoid with flying leads. *Justification for Duty-Free Entry:* There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs:* August 24, 2010.

Docket Number: 10–059. *Applicant:* UChicago LLC, 9700 South Cass Avenue Lemont, IL 60439. *Instrument:* Micropitting Test Machine. *Manufacturer:* Primelia Consulting Services Limited, United Kingdom. *Intended Use:* The instrument will be used to study the phenomena of micro-pitting and fatigue failure of bearing and gear materials for various lubricants and surface treatments. The instrument has capabilities that are tailored for the specific micropitting analysis, specifically the accelerometer measurement to monitor for onset of fatigue failure. The instrument also has three points of contact which will increase the speed at which tests are made. *Justification for Duty-Free Entry:* There are no instruments of the same general category being manufactured in the United States. *Application accepted by Commissioner of Customs:* August 23, 2010.

Dated: September 15, 2010.

Gregory W. Campbell,

Acting Director, IA Subsidies Enforcement Office.

[FR Doc. 2010–23714 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before October 12, 2010. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce,

Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 10–055. *Applicant:* National Institutes of Health, 49 Convent Drive MSC 4480, Bldg. 49, Rm 5W14, Bethesda, MD 20892. *Instrument:* Electron Microscope. *Manufacturer:* JEOL Limited, Japan. *Intended Use:* The instrument will be used to study primarily neurological tissue and cells from mice, zebrafish, and fruit flies. The properties of the materials being investigated are those of a biological nature, which require a very high resolution. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* August 20, 2010.

Docket Number: 10–056. *Applicant:* University of Notre Dame, Procurement Services 709 Grace Hall Notre Dame, Indiana 46556. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* The instrument will be used in bio-geochemical and bio-engineering research. Many of the processes of interest are at or near the nano-scale so the instrument is important for the analysis of structures and compositions. Some projects can only be accomplished with the improved resolution and analytical capabilities of the instrument. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* September 1, 2010.

Docket Number: 10–057. *Applicant:* Curators of the University of Missouri, 1201 N. State St. G5C Campus Support Facility Rolla, MO 56049. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* The instrument will be used to investigate carbon/nitrogen effects on steel lattice parameters, atomic abruptness of electrochemically produced metal/metal oxide layers, orientation relationships and defects in friction stir processed metal alloys, and nanoparticle size, shape and chemistry on PEM fuel cell porous membranes. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* August 20, 2010.

Docket Number: 10–058. *Applicant:* SUNY Upstate Medical University. *Instrument:* Electron Microscope. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to observe changes in ultrastructure of cytoskeletal and membrane elements of cells as a result of specific mutations or diseases states. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* August 23, 2010.

Dated: September 15, 2010.

Gregory W. Campbell,

Acting Director, IA Subsidies Enforcement Office.

[FR Doc. 2010–23716 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Availability of a Draft NOAA Climate Service Strategic Vision and Framework for Public Review, and Notice of Informational Webinar Meetings

ACTION: Notice of availability of a draft NOAA Climate Service strategic vision and framework for public review, and notice of informational webinar meetings.

SUMMARY: On February 8, 2010, the Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) announced their intent to establish a new NOAA Climate Service (NCS). The new service will directly support NOAA's vision of "an informed society that uses a comprehensive understanding of the role of the oceans, coasts, and atmosphere in the global ecosystem to make the best social and economic decisions." It will also contribute to NOAA's mission "to understand and anticipate changes in Earth's environment, and conserve and manage coastal and marine resources to meet our Nation's economic, social and environmental needs." The reorganization of existing agency assets is intended to help NOAA better work with our partners to respond to the growing demands for climate information from the public, business, industry, local, state and Federal agencies, and decision makers.

As part of the process to establish a new NCS, NOAA recently completed a strategic vision and framework document that describes how NOAA proposes to respond to society's growing need for climate services. The document describes the vision and outlines how the NCS can achieve new strategic goals related to the delivery and development of reliable, timely, and authoritative climate science and service to enable a climate-resilient society to grow and prosper.

NOAA will accept comments on the strategic vision from September 21 to midnight on October 18, 2010. A copy of the draft document and instructions on how to submit comments can be found at *http://www.noaa.gov/climate.*

NOAA is also hosting a series of informational webinars for individuals and organizations to learn more about the proposed NCS vision and timeline and to provide an opportunity for to answer questions, and obtain feedback. Each webinar is targeted to a specific sector, and will begin with a presentation from Dr. Chet Koblinsky, Director, NOAA Climate Program Office and Transitional Deputy Director, NOAA Climate service, and will be followed by a question and answer session.

DATES: The webinar meeting dates are:

1. Friday, September 24, 2010, 1 p.m. to 2:30 p.m. EST, for the academic research community.

2. Friday, September 24, 2010, 3 p.m. to 4:30 p.m. EST, for state and local government officials.

3. Wednesday, September 29, 2010, 3:30 p.m. to 5 p.m. EST, for the corporate and business community.

4. Thursday, September 30, 2010, 3:30 p.m. to 5 p.m. EST, for non-governmental and non-profit organizations.

For specific instructions for each webinar, please visit *http://www.noaa.gov/climateresources/meetings.* Additional information about the proposed NOAA Climate Service, including questions and answers can be found at *http://www.noaa.gov/climate.*

FOR FURTHER INFORMATION CONTACT: Brady Phillips, NOAA Office of Communications and External Affairs, 14th and Constitution Avenue, NW., Washington, DC 20230. (*Phone:* 202–482–2365, *Fax:* 202–482–3154, *E-mail: brady.phillips@noaa.gov*); or visit *http://www.noaa.gov/climateresources/meetings.*

Dated: September 16, 2010.

Mark E. Brown,

Acting Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–23630 Filed 9–21–10; 8:45 am]

BILLING CODE 3510–KD–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

The following notice of meeting is published pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, 5 U.S.C. 552b.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 9:30 a.m. to 11 a.m., October 1, 2010.

PLACE: Three Lafayette Center, 1155 21st St., NW., Washington, DC, Lobby Level Hearing Room (Room 1000).

STATUS: Open.

MATTERS TO BE CONSIDERED:

- Issuance of an interim final rule relating to the time frame for reporting pre-enactment unexpired swaps to a swap data repository or to the Commission;
- Issuance of proposed rules that would prescribe (i) certain risk management standards for those derivatives clearing organizations designated as systemically important ("SIDCOs") by the Financial Stability Oversight Council under Title VIII of the Dodd-Frank Act and (ii) standards requiring sixty (60) days advance notice of changes in SIDCO rules, procedures, or operations that materially affect the nature or level of risks presented by the SIDCO; and
- Issuance of proposed rules specifying requirements for derivatives clearing organizations, designated contract markets, and swap execution facilities on governance arrangements and mitigation of conflicts of interest.

CONTACT PERSON FOR MORE INFORMATION: David A. Stawick, Secretary of the Commission, 202–418–5071.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 2010–23821 Filed 9–20–10; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0124]

Privacy Act of 1974; System of Records

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Information Systems Agency is proposing to add a system of records to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on October 22, 2010, unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, Room 3C843 Pentagon, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette M. Weathers-Jenkins at (703) 681–2409.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Defense Information Systems Agency, 5600 Columbia Pike, Room 933–I, Falls Church, VA 22041–2705.

The proposed system report, as required by 5 U.S.C. 552a (r), of the Privacy Act of 1974, as amended, was submitted on September 13, 2010, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: September 17, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

K890.13

SYSTEM NAME:

Security Container Information

SYSTEM LOCATION:

Security Branch, Arlington Service Center, Code MPS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Office of Security Officer, Headquarters, Defense Information Systems Agency-Europe, APO AE 09131–4103.

Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have been designated for access to the containers and who may be contacted for access in case of emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security container information to include location, container number, lock serial number, name, address and phone number of the responsible person if found open or unattended.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; E.O. 10450, Security Requirements for Government Employees; and E.O. 12958, Classified National Security Information.

PURPOSE(S):

Used to maintain current designation of persons who may be contacted for access to a security container.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the DISA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in locked file cabinets and electronic storage media.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Buildings are secured by guards during duty and non-duty hours. Access to records is controlled by management

personnel, who are responsible for maintaining the confidentiality of the records and using the information contained therein only for official purposes. Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of Common Access Card (CAC) certification.

RETENTION AND DISPOSAL:

Forms are renewed every six months or when any individual having access to the container departs and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Security Branch, Arlington Service Center, Code MPS, Center for Agency Services, Defense Information Systems Agency, 701 South Courthouse Road, Arlington, VA 22204–2199.

Office of Security Officer, Headquarters, Defense Information Systems Agency-Europe, APO AE 09131–4103.

Headquarters, Defense Information Systems Agency-Pacific, Wheeler AFB, HI 96854–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the appropriate system manager.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may also visit one of the system managers listed. As proof of identity the requester must present a current DISA identification badge or a driver's license.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the appropriate system manager.

The full name of the requesting individual will be required to determine if the system contains a record about him or her. The requester may also visit one of the system managers listed. As proof of identity the requester must present a current DISA identification badge or a driver's license.

CONTESTING RECORD PROCEDURES:

DISA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DISA Instruction 210–225–2 at 32 CFR part 316 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individuals designated by Division Supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2010–23651 Filed 9–21–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before October 22, 2010.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov.* Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: September 16, 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: New.

Title of Collection: 21st Century Community Learning Centers (21st CCLC): Early Childhood Best Practices Project.

OMB Control Number: 1810–NEW.

Agency Form Number(s): N/A.

Frequency of Responses: On Occasion.

Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 3,878.

Total Estimated Annual Burden Hours: 4,105.

Abstract: The 21st Century Community Learning Centers (21st CCLC) program provides services to pre-Kindergarten and Kindergarten children through its afterschool program, but has little to no knowledge about how these programs function—*i.e.,* activities, staffing patterns, curriculum, and other elements that may impact program quality. This survey will provide broad descriptive information on the range and quality of service provided to children participating in 21st CCLC programs.

Requests for copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4362. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–23666 Filed 9–21–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before October 22, 2010.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *CIDocketMgr@ed.gov*. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: September 16, 2010.

Darrin A. King,

Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title of Collection: Scholar Data Report: Personnel Development Program, Part D of Individuals with Disabilities Education Act (IDEA).

OMB Control Number: 1820–0530.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Not-for-profit institutions.

Total Estimated Number of Annual Responses: 450.

Total Estimated Annual Burden Hours: 3,510.

Abstract: This package is a revision and contains instructions and the form necessary for grantees and contractors supported under the Individuals with Disabilities Education Act (IDEA), Personnel Development to Improve Services and Results for Children with Disabilities, CFDA No. 84.325. Data obtained are used to evaluate and monitor the implementation of IDEA and for performance reporting. Analysis of these data will be used in the following ways: (a) To inform the activities and priorities specific to personnel preparation conducted by the U.S. Department of Education, Office of Special Education Programs (OSEP); (b) to determine variation in personnel preparation and factors related to that variation; and (c) to evaluate the outcomes of the IDEA and the Personnel Development Program's performance measures under the Government Performance and Results Act and the Program Assessment Rating Tool. OSEP revisions have: (a) Modified items that collect information on scholars' knowledge and skills to reduce grantee work burden and to diminish response ambiguity, to simplify data entry and analysis, and to delete two items that were no longer needed; (b) added one item to determine whether the grantee expects the scholar to complete the program; (c) added two items to first section to determine if scholar received funding under a previous grant and the number of credit hours earned prior to starting the current grant program and that will be accepted for program completion; and (d) enhanced instructions for a few items to make the form more user-friendly and diminish response ambiguity.

Requests for copies of the information collection submission for OMB review may be accessed from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 4363. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2010–23667 Filed 9–21–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of Open Teleconference Meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, October 5, 2010, 1 p.m. to 3 p.m.

ADDRESSES: Participants may call Mrs. Melea Baker at (301) 903–7486 to receive a call-in number by October 4, 2010. Public participation is welcomed, however the number of teleconference lines is limited and available on a first come first served basis.

FOR FURTHER INFORMATION CONTACT: Melea Baker, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue, SW.; Washington, DC 20585–1290; Telephone (301) 903–7486, (*E-mail: Melea.Baker@science.doe.gov*).

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: The purpose of this meeting is to discuss the Exascale Subcommittee Report.

Tentative Agenda: Agenda will include discussion of the following:

Discussion of the Exascale Subcommittee Report and Vote

Public Comment

Public Participation: The teleconference meeting is open to the public. If you would like to file a written statement with the Committee,

you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Melea Baker via FAX at 301–903–4846 or via e-mail (*Melea.Baker@science.doe.gov*). You must make your request for an oral statement at least 5 business days prior to the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule. This notice is being published less than 15 days before the date of the meeting due to programmatic issues.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; 1G–033, Forrestal Building; 1000 Independence Avenue, SW.; Washington, DC 20585; between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, on September 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–23656 Filed 9–21–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Unconventional Resources Technology Advisory Committee

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. 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, October 13, 2010, 8 a.m.–5 p.m. (CDT).

Thursday, October 14, 2010, 8 a.m.–12 p.m. (CDT).

ADDRESSES: Wyndham Riverfront New Orleans, 701 Convention Center Boulevard, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy; and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, Section 999D.

Tentative Agenda:

October 13:

7:30 a.m. Registration.

8 a.m.–4:45 p.m. Welcome & Introductions, Opening Remarks, and Discussion of Subcommittee Reports, and Findings regarding *Draft 2011 Annual Plan.*

4:45 p.m. Public Comments.

5 p.m. Adjourn.

October 14:

7:30 a.m. Registration.

8 a.m.–12 p.m. Discussion of Recommendations regarding *Draft 2011 Annual Plan.*

12 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert at the address or telephone number listed above. You must make your request for an oral statement at least two business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 5 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1G–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on September 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–23658 Filed 9–21–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Unconventional Resources Technology Advisory Committee

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, October 21, 2010, 1 p.m. to 3 p.m. (EDT).

ADDRESSES: IBM, 955 L'Enfant Plaza North, SW., Suite 1500, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. *Phone:* 202–586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources to the Secretary of Energy and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, Section 999.

Tentative Agenda:

12:30 p.m. Registration.

1 p.m. Welcome and Roll Call; Opening Remarks by the Committee Chair; Report by the Editing Subcommittee; Facilitated Discussion by the Members regarding Final Report; Approval of Committee Final Report.

2:45 p.m. Public Comments.

3 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert at the address or telephone number listed above. You must make your request for an oral statement at least two business days prior to the meeting, and reasonable provisions will be made to include the presentation on

the agenda. Public comment will follow the 5 minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room, Room 1G–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on September 16, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–23657 Filed 9–21–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC10–555–000]

Commission Information Collection Activities (FERC–555); Comment Request; Extension

September 16, 2010.

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A) (2006), (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed information collection described below.

DATES: Comments in consideration of the collection of information are due November 22, 2010.

ADDRESSES: Comments may be filed either electronically (eFiled) or in paper format, and should refer to Docket No. IC10–555–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at *http://www.ferc.gov/help/submission-guide.asp.* eFiling instructions are available at: *http://www.ferc.gov/docs-filing/efiling.asp.* First time users must follow eRegister instructions at: *http://www.ferc.gov/docs-filing/eregistration.asp,* to establish a user name and password before eFiling. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of eFiled comments. Commenters making an eFiling should not make a paper filing. Commenters that are not able to file electronically must send an original and two (2) paper copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Users interested in receiving automatic notification of activity in this docket may do so through eSubscription at *http://www.ferc.gov/docs-filing/esubscription.asp.* In addition, all comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at *http://www.ferc.gov/docs-filing/elibrary.asp,* by searching on Docket No. IC10–555. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION Ellen Brown may be reached by e-mail at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–555, "Records Retention Requirements" (OMB No. 1902–0098), is used by the Commission to carry out its responsibilities in implementing the statutory provisions of sections 301, 304 and 309 of the Federal Power Act (FPA) (16 U.S.C. 825, 825c and 825h), sections 8, 10 and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717–717w), and section 20 of the Interstate Commerce Act (ICA, 49 U.S.C. 20).

The regulations for preservation of records establish retention periods, necessary guidelines, and requirements for retention of applicable records for the regulated public utilities, natural gas and oil pipeline companies subject to the Commission's jurisdiction. These records will be used by the regulated companies as the basis for their required rate filings and reports for the Commission. In addition, the records will be used by the Commission's audit staff during compliance reviews, by enforcement staff during investigations, and for special analyses as deemed necessary by the Commission.

On January 8, 1999 the Commission issued AI99–2–000, an Accounting Issuance providing guidance on records storage media. Specifically, FERC gave each jurisdictional company the flexibility to select its own storage media. The storage media selected must have a life expectancy equal to the applicable record period unless the quality of the data transferred from one media to another with no loss of data would exceed the record period.

On January 27, 2000, FERC issued a final rule amending its records retention regulations for public utilities and licensees, and natural gas and oil pipeline companies. These changes included revising the general instructions, and shortening various records retention periods. The final rule's objective was to reduce or eliminate burdensome and unnecessary regulatory requirements.

It has been more than ten years since the issuance of the final rule and the accounting guidance, and, it is expected that jurisdictional companies have experienced more than sufficient time to implement these provisions. No additional changes have been made to the record retention requirements specified under FERC–555. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Parts 125, 225, and 356.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: In order to obtain a more accurate burden figure, Commission staff asked a small number of FERC–555 respondents to estimate the burden imposed by this data collection. The results show that the record retention requirements under FERC–555 were underestimated in the previous renewal of this information collection.[1] The following table portrays the updated burden estimate based on industry responses:

[1] The previous estimate reported average burden hours per response and total burden hours as 2,402 and 1,237,030 respectively (for the 515 respondents). Further, the previous estimate reported the average annual cost per respondent and total annual cost as $141,045 and $72,638,045 respectively.

FERC data collection	Number of respondents annually (1)	Average Number of responses per respondent (2)	Average burden hours per response [2] (3)	Total annual burden hours (1)×(2)×(3)
FERC–555	475	1	4,968	2,359,800

[2] Record retention burden differs greatly by the size of the company and this figure captures an average across all jurisdictional companies. Thus a small company may require fewer than 1,000 hours per year to comply while a large company may require more than 10,000 hours per year to comply.

The estimated total annual cost burden to respondents includes labor costs associated with record retention ($65,597,025) and both electronic and non-electronic record storage costs ($72,400,925). The total annual cost is $137,997,950; the total annual cost per respondent is $290,522.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities, which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology *e.g.* permitting electronic submission of responses.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23684 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2329–087]

FPL Energy Maine Hydro LLC; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

September 16, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No:* 2329–087.

c. *Date Filed:* September 2, 2010.

d. *Applicant:* FPL Energy Maine Hydro LLC.

e. *Name of Project:* Wyman Project.

f. *Location:* The project is located on the Kennebec River in Somerset County, Maine.

g. *Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Chad P. Clark, Vice President, FPL Energy Maine Hydro LLC, 26 Katherine Drive, Hallowell, ME 04347. Tel: (207) 629–1818.

i. *FERC Contact:* Any questions on this notice should be addressed to Vedula Sarma at (202) 502–6190 or *vedula.sarma@ferc.gov.*

j. *Deadline for filing comments and or motions:* October 15, 2010.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/efiling.asp*). Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system (*http://www.ferc.gov/docs-filing/ecomment.asp)* and must include name and contact information at the end of comments. The Commission strongly encourages electronic filings.

All documents (original and seven copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–2329–087) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Application:* The licensee proposes to upgrade Unit 3 of the project by rewinding the generator and replacing the turbine runner with a more efficient runner. The proposed upgrade would increase the installed and hydraulic capacities of the project by 5.7 MW and 365 cfs, respectively.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site using the "eLibrary" link at *http://elibrary.ferc.gov/idmws/search/fercgensearch.asp.* Enter the docket number excluding the last three digits (P–2329) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be

notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23681 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Lockhart Power Company; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

September 14, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 13590–001.

c. *Date Filed:* August 31, 2010.

d. *Applicant:* Lockhart Power Company.

e. *Name of Project:* Riverdale Hydroelectric Project.

f. *Location:* On the Enoree River in Spartanburg and Laurens counties, South Carolina. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 USC 791 (a)-825(r).

h. *Applicant Contact:* Bryan D. Stone, Chief Operating Officer, Lockhart Power Company, Inc., 420 River Street, P.O. Box 10, Lockhart, SC 29364, (864) 545–2211.

i. *FERC Contact:* Sarah Florentino, (202) 502–6863 or via e-mail at *Sarah.Florentino@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: November 1, 2010.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

m. This application is not ready for environmental analysis at this time.

n. The existing, currently non-operational Riverdale Project consists of: (1) A 12-foot high, 425-foot-long concrete gravity dam with 2-foot flashboards; (2) a 9-acre impoundment; (3) a headrace leading to a 110-foot-long steel penstock; (4) a powerhouse containing a single 1.45-megawatt turbine-generator unit; (5) a 1400-foot-long tailrace channel; and (6) appurtenant facilities. The proposed project would operate in a run-of-river mode and generate about 5,318 megawatt hours annually. The power would serve Lockhart Power Company's native load or be sold to a wholesale customer.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Deficiency Letter	November 2010.
Issue Acceptance letter	March 2011.
Issue Scoping Document 1 for comments	April 2011.
Request Additional Information (if necessary)	June 2011.
Issue Scoping Document 2 (if necessary)	June 2011.
Notice of application is ready for environmental analysis	September 2011.
Notice of the availability of the draft EA	July 2012.
Notice of the availability of the final EA	January 2013.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23599 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–499–000]

Tres Palacios Gas Storage LLC; Notice of Application

September 15, 2010.

Take notice that on September 3, 2010, Tres Palacios Gas Storage LLC (Tres Palacios), 53 Riverside Avenue, Westport, Connecticut 06880, filed in Docket Number CP10–499–000, pursuant to section 7(c) of the Natural Gas Act (NGA), an application to amend the certificate issued in Docket No. CP07–90–000 to conform the certificated capacities of its three in-service natural gas storage caverns to the actual capacities available in each cavern as established by the most recent sonar survey results. This would add an additional 2.36 Bcf of working gas capacity to the facility. Tres Palacios also seeks reaffirmation of its previously authorized market-based rate authority for its storage and hub services. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions regarding this Application should be directed to James F. Bowe, Jr., Dewey & LeBoeuf LLP, 1101 New York Avenue, NW., Washington, DC 20005, (202) 346–8000 (phone), (202) 346–8102 (fax), or *jbowe@dl.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Comment Date: October 6, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23624 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

September 10, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1283–000.
Applicants: WestGas InterState, Inc.
Description: WestGas InterState, Inc. submits tariff filing per 154.203: 2010–09–08 WGI Compliance Baseline to be effective 9/8/2010.
Filed Date: 09/08/2010.
Accession Number: 20100908–5067.
Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1284–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Petition of Pine Needle LNG Company, LLC for Approval of Stipulation and Agreement.
Filed Date: 09/09/2010.
Accession Number: 20100909–5141.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 21, 2010.

Docket Numbers: RP10–1285–000.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits tariff filing per 154.204: NET Colonial Combination to be effective 10/9/2010.
Filed Date: 09/09/2010.
Accession Number: 20100909–5145.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 21, 2010.

Docket Numbers: RP10–1286–000.
Applicants: Quest Pipelines (KPC).
Description: Quest Pipelines (KPC) submits tariff filing per 154.203: Quest Pipelines (KPC)—Baseline eTariff Filing to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5036.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 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.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2010–23593 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

September 10, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–843–002.
Applicants: Tennessee Gas Pipeline Company.
Description: Tennessee Gas Pipeline Company submits tariff filing per 154.203: Update Priority Amended Baseline to be effective 4/19/2010.
Filed Date: 09/09/2010.
Accession Number: 20100909–5153.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 21, 2010.

Docket Numbers: RP10–877–005.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Cameron Interstate Pipeline, LLC submits an eTariff XML filing package containing the proposed Baseline Tariff in a zip (compressed) file format, to be effective 9/8/2010.
Filed Date: 09/09/2010.
Accession Number: 20100909–5000.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 21, 2010.

Docket Numbers: RP10–1137–001.
Applicants: Cimarron River Pipeline, LLC.
Description: Cimarron River Pipeline, LLC submits tariff filing per 154.205(b): ACA Correction Filing to be effective 10/1/2010.
Filed Date: 09/08/2010.
Accession Number: 20100908–5136.
Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1025–001.
Applicants: Dominion Transmission, Inc.
Description: Dominion Transmission, Inc. submits tariff filing per 154.203: DTI—Nonconforming Service Agreement—Compliance Filing to be effective 8/31/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5024.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1238–001.
Applicants: Columbia Gulf Transmission Company.
Description: Columbia Gulf Transmission Company submits tariff filing per 154.203: NAESB V. 1.9—Errata to be effective 9/17/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5000.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed

docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23594 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 13, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1978–001.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC. submits tariff filing per 35.17(b): Attachment I 09/01/2010 update to be effective 9/1/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5249.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2029–001.
Applicants: Calpine Mid-Atlantic Marketing, LLC.
Description: Calpine Mid-Atlantic Marketing, LLC. submits tariff filing per 35.17(b): Supplement to Market-Based Rate Application to be effective 9/27/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5201.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2255–000.
Applicants: PJM Interconnection LLC.
Description: PJM Interconnection, LLC. submits an executed interconnection service agreement entered into among PJM, et al.
Filed Date: 08/16/2010.
Accession Number: 20100817–0203.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: ER10–2560–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits tariff filing per 35: 2010–09–08 CAISO Multi-Stage Generation Resource Compliance to be effective 8/2/2010.
Filed Date: 09/08/2010.
Accession Number: 20100908–5094.
Comment Date: 5 p.m. Eastern Time on Wednesday, September 16, 2010.

Docket Numbers: ER10–2577–000.
Applicants: California Independent System Operator Corporation.
Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2010–09–09 CAISO MSG Delay Implementation Amendment to be effective 9/22/2010.
Filed Date: 09/09/2010.
Accession Number: 20100909–5169.
Comment Date: 5 p.m. Eastern Time on Thursday, September 30, 2010.

Docket Numbers: ER10–2585–000.
Applicants: Casco Bay Energy Company, LLC.
Description: Casco Bay Energy Company, LLC. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5203.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2586–000.
Applicants: Dynegy Midwest Generation, Inc.
Description: Dynegy Midwest Generation, Inc. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5204.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2587–000.
Applicants: Dynegy Morro Bay, LLC.
Description: Dynegy Morro Bay, LLC. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5205.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2588–000.
Applicants: Dynegy South Bay, LLC.
Description: Dynegy South Bay, LLC. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5206.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2589–000.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric Power Company submits tariff filing per 35: Formula Rate Wholesale Sales Tariff to be effective 9/10/2010.
Filed Date: 09/10/*2010.*
Accession Number: 20100910–5207.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2590–000.
Applicants: Dynegy Moss Landing, LLC.
Description: Dynegy Moss Landing, LLC. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5208.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2591–000.
Applicants: Dynegy Roseton, LLC.
Description: Dynegy Roseton, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5214.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2592–000.
Applicants: Cleco Power LLC.
Description: Cleco Power LLC submits tariff filing per 35.12: LEPA SA 119/120 to be effective 9/1/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5231.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2593–000.
Applicants: Dynegy Oakland, LLC.
Description: Dynegy Oakland, LLC. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5239.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2594–000.
Applicants: Monmouth Energy, Inc.
Description: Monmouth Energy, Inc. submits tariff filing per 35.12: Monmouth Energy, Inc. Baseline Market-Based Rate Tariff to be effective 9/10/2010.
Filed Date: 09/10/2010.
Accession Number: 20100910–5240.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2595–000.
Applicants: Flat Ridge Wind Energy, LLC.
Description: Flat Ridge Wind Energy, LLC submits the Baseline Market-Based Wholesale Power Sales Tariff, to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5036.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2596–000.
Applicants: Fowler Ridge II Wind Farm LLC.
Description: Fowler Ridge II Wind Farm LLC submits its Baseline MBR Tariff Filing, to be effective 9/13/2010.
Filed Date: 09/13/2010.

Accession Number: 20100913–5038.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2597–000.
Applicants: Fowler Ridge III Wind Farm LLC.
Description: Fowler Ridge III Wind Farm LLC submits its Baseline MBR Tariff Filing, to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5039.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2598–000.
Applicants: Rolling Thunder I Power Partners, LLC.
Description: Rolling Thunder I Power Partners, LLC submits tariff filing per 35.12: Baseline MBR Tariff Filing of Rolling Thunder I Power Partners, LLC to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5040.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2599–000.
Applicants: El Paso Electric Company.
Description: El Paso Electric Company submits an unexecuted non-conforming Large Generator Interconnection Agreement with Macho Springs Power I, LLC.
Filed Date: 09/10/2010.
Accession Number: 20100913–0204.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Docket Numbers: ER10–2600–000.
Applicants: UNS Electric, Inc.
Description: UNS Electric, Inc. submits tariff filing per 35.12: Baseline Filing for UNS Electric, Inc. MBR Tariff to be effective 9/14/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5138.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2601–000.
Applicants: Power Resources, Ltd.
Description: Power Resources, Ltd. submits tariff filing per 35.12: Power Resources Market Based Rate Tariff to be effective 9/14/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5139.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2602–000.
Applicants: NewPage Energy Services, LLC.
Description: NewPage Energy Services, LLC submits its Baseline Market-Based Rate Tariff, to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5186.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2603–000.
Applicants: Rumford Paper Company.
Description: Rumford Paper Company submits tariff filing per 35.12: Rumford Paper Company Baseline Market-Based Rate Tariff to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5187.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2604–000.
Applicants: Luke Paper Company.
Description: Luke Paper Company submits tariff filing per 35.12: Luke Paper Company Baseline Market-Based Rate Tariff to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5189.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2605–000.
Applicants: Yuma Cogeneration Associates.
Description: Yuma Cogeneration Associates submits tariff filing per 35.12: Yuma Market Based Rate Tariff to be effective 9/14/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5190.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2606–000.
Applicants: Consolidated Water Power Company.
Description: Consolidated Water Power Company submits tariff filing per 35.12: Consolidated Water Power Company Baseline Market-Based Rate Tariff to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5192.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2607–000.
Applicants: Old Dominion Electric Cooperative.
Description: Old Dominion Electric Cooperative submits tariff filing per 35.12: Old Dominion Electric Cooperative Baseline Tariff Filings to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5200.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2608–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii): 2044 Union Wind, LLC. GIA to be effective 8/23/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5212.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2609–000.
Applicants: Escanaba Paper Company.
Description: Escanaba Paper Company submits tariff filing per 35.12: Escanaba Paper Company Baseline Market-Based Rate Tariff to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5217.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2610–000.
Applicants: Dynegy Services Plum Point, LLC.
Description: Dynegy Services Plum Point, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5224.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2611–000.
Applicants: Saranac Power Partners, L.P.
Description: Saranac Power Partners, L.P. submits tariff filing per 35.12: Saranac Market Based Rate Tariff to be effective 9/14/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5237.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 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. 2010–23592 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

September 14, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–95–000.
Applicants: Solios Power LLC, Solios Power Trading LLC, Solios Power Mid-Atlantic Trading LLC, Solios Power Midwest Trading LLC.
Description: Application for authorization for disposition of jurisdictional facilities and request for expedited and privileged treatment of Exhibit I.
Filed Date: 09/10/2010.
Accession Number: 20100913–0201.
Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER04–925–022.
Applicants: Merrill Lynch Commodities, Inc.
Description: Supplemental Filing of Merrill Lynch Commodities, Inc.
Filed Date: 09/13/2010.
Accession Number: 20100913–5303.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2194–001.
Applicants: Luminant Energy Company LLC.
Description: Luminant Energy Company LLC submits tariff filing per 35: Luminant Energy Company LLC MBR Baseline Compliance Filing to be effective 8/11/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5096.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2251–000.
Applicants: Wisconsin Electric Power Company.
Description: Wisconsin Electric Power Company submits a Notice of Cancellation of Interconnection Agreement with Commonwealth Edison Company.
Filed Date: 08/16/2010.
Accession Number: 20100817–0206.
Comment Date: 5 p.m. Eastern Time on Tuesday, September 21, 2010.

Docket Numbers: ER10–2415–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.17(b): Section 7 Amendment Filing to be effective 10/26/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5061.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2438–001.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits tariff filing to Correct Baseline Language, to be effective 8/30/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5017.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2583–001.
Applicants: Nevada Power Company.
Description: Nevada Power Company submits tariff filing per 35.17(b): Amended Filing of RPPA Rate Schedule 115 to correct Effective Date to be effective 10/10/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5238.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2584–001.
Applicants: Nevada Power Company.
Description: Nevada Power Company submits tariff filing per 35.17(b): Amended Filing of RPPA Rate Schedule 116 to correct Effective Date to be effective 11/12/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5260.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2612–000.
Applicants: Wabash Valley Power Association, Inc.
Description: Wabash Valley Power Association, Inc. submits tariff filing per 35: WVPA Baseline—FERC Electric Tariff Volume No. 1 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5246.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2613–000.
Applicants: Sithe/Independence Power Partners, L.P.
Description: Sithe/Independence Power Partners, L.P. submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5252.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2614–000.
Applicants: ENMAX Energy Marketing, Inc.
Description: ENMAX Energy Marketing, Inc. submits tariff filing per 35.12: FERC_Electric_Tariff to be effective 8/26/2004.
Filed Date: 09/13/2010.
Accession Number: 20100913–5253.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2615–000.
Applicants: Plum Point Energy Associates, LLC.
Description: Plum Point Energy Associates, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5255.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2616–000.
Applicants: Dynegy Marketing and Trade, LLC.

Description: Dynegy Marketing and Trade, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5256.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2617–000.
Applicants: Ontelaunee Power Operating Co., LLC.
Description: Ontelaunee Power Operating Co., LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5261.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2618–000.
Applicants: Dynegy Danskammer, LLC.
Description: Dynegy Danskammer, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5311.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2619–000.
Applicants: Dynegy Kendall Energy, LLC.
Description: Dynegy Kendall Energy, LLC submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/13/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5315.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2620–000.
Applicants: Northern States Power Company, a Minnesota.
Description: Northern States Power Company, a Minnesota corporation submits tariff filing per 35.13(a)(2)(iii): 20100913_Rate Schedule 601 NWEC Filing to be effective 8/17/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5317.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2621–000.
Applicants: California Independent System Operator Corporation
Description: California Independent System Operator Corporation submits tariff filing per 35: 2010–09–13 CAISO Proxy Demand Resource Compliance Filing to be effective N/A.
Filed Date: 09/13/2010.
Accession Number: 20100913–5320.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2622–000.
Applicants: Northern States Power Company.
Description: Northern States Power Company, a Minnesota corporation submits tariff filing per 35.13(a)(2)(iii): 20100913_Rate Schedule 602 NCP Filing to be effective 1/1/2011.
Filed Date: 09/13/2010.
Accession Number: 20100913–5322.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2623–000.
Applicants: California Independent System Operator Corporation
Description: California Independent System Operator Corporation submits tariff filing per 35: 2010–09–13 CAISO Proxy Demand Resource Compliance Filing to be effective 7/19/2010.
Filed Date: 09/13/2010.
Accession Number: 20100913–5324.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Docket Numbers: ER10–2624–000.
Applicants: New Dominion Energy Cooperative.
Description: New Dominion Energy Cooperative submits its Baseline Tariff Filing, to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5001.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2625–000.
Applicants: San Diego Gas & Electric Company.
Description: San Diego Gas & Electric Company submits their Engineering and Procurement Agreement dated 9/1/10 with Borrego PV Solar I LLC, to be effective 9/13/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5004.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2626–000.
Applicants: TEC Trading, Inc.
Description: TEC Trading, Inc. submits its Baseline Tariff Filing of Market-Based Rate Schedule, to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5006.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2627–000.
Applicants: FirstLight Hydro Generating Company.
Description: FirstLight Hydro Generating Company submits tariff filing per 35.12: First Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5031.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2628–000.
Applicants: Lost Creek Wind, LLC.
Description: Lost Creek Wind, LLC submits tariff filing per 35.12: 20100914_baseline_lost creek wind, llc to be effective 9/14/2010 under ER10–02628–000 Filing Type: 360
Filed Date: 09/14/2010.
Accession Number: 20100914–5042.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2629–000.
Applicants: FirstLight Power Resources Management, LLC.
Description: FirstLight Power Resources Management, LLC submits its Baseline tariff FERC Electric Tariff, Volume No 1, to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5046.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2630–000.
Applicants: NGP Blue Mountain I LLC.
Description: NGP Blue Mountain I LLC submits its baseline filing pursuant to Order No 614, to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5047.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2631–000.
Applicants: Rumford Power Inc.
Description: Rumford Power Inc. submits tariff filing per 35.12: Rumford Power Market Based Rate Tariff Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5048.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2632–000.
Applicants: Tiverton Power Inc.
Description: Tiverton Power Inc. submits tariff filing per 35.12: Tiverton Power Inc. Market Based Rate Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5049.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2633–000.
Applicants: Birchwood Power Partners, L.P.
Description: Birchwood Power Partners, L.P. submits tariff filing per 35.12: Baseline Filing for Birchwood Market Based Rate Tariff to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5051.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2634–000.
Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): Purchase and Sale Agreement between National Grid and Luther Forest EDC to be effective 9/9/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5052.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2635–000.
Applicants: February Futures, LLC.
Description: February Futures, LLC submits tariff filing per 35.12: February Futures LLC Market-Based Rate Tariff Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5055.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2636–000.
Applicants: Mt. Tom Generating Company, LLC.
Description: Mt. Tom Generating Company, LLC submits tariff filing per 35.12: Mt. Tom Baseline Tariff to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5056.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2637–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC submits revised interconnection service agreement with Calpine New Jersey Generation, LLC *et al.*
Filed Date: 09/14/2010.
Accession Number: 20100914–0201.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2638–000.
Applicants: Waterbury Generation, LLC.
Description: Waterbury Generation, LLC submits tariff filing per 35.12: Waterbury Generation, LLC Baseline Tariff to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5076.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2639–000.
Applicants: Noble Americas Gas & Power Corp.
Description: Noble Americas Gas & Power Corp. submits tariff filing per 35.12: Baseline to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5116.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2640–000.
Applicants: Pilot Power Group, Inc.
Description: Pilot Power Group, Inc. submits tariff filing per 35.12: PPG Tariff to be effective 12/31/1998.
Filed Date: 09/14/2010.
Accession Number: 20100914–5128.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2641–000.
Applicants: Oleander Power Project, Limited Partners.
Description: Oleander Power Project, Limited Partnership submits tariff filing per 35.12: Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5130.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES10–55–000.
Applicants: MidAmerican Energy Company.
Description: Amended Application for Authorization to Issue and Sell Up to $850 Million of Bonds, Notes, Debentures, Guarantees or Other Evidences of Long-Term Indebtedness of MidAmerican Energy Company.
Filed Date: 09/13/2010.
Accession Number: 20100913–5338.
Comment Date: 5 p.m. Eastern Time on Thursday, September 23, 2010.

Docket Numbers: ES10–56–000.
Applicants: MidAmerican Energy Company.
Description: Amended Application for Authorization to Issue and Sell Up to $750 Million of Promissory Notes or Other Evidences of Unsecured Short-Term Indebtedness.
Filed Date: 09/13/2010.
Accession Number: 20100913–5337.
Comment Date: 5 p.m. Eastern Time on Thursday, September 23, 2010.

Docket Numbers: ES10–58–000.
Applicants: Kansas City Power & Light Company.
Description: Application of Kansas City Power & Light Company for Authorization Under Section 204(A) to Issue Short-Term Debt.
Filed Date: 09/13/2010.
Accession Number: 20100913–5334.
Comment Date: 5 p.m. Eastern Time on Monday, October 4, 2010.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–52–008.
Applicants: New York Independent System Operator, Inc.
Description: Tariff Sheets of New York Independent System Operator, First Revised Sheet No. 99 et al under FERC Electric Tariff, Original No. 2, inception to date.
Filed Date: 09/14/2010.
Accession Number: 20090110–0245.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM10–6–000.
Applicants: Commonwealth Edison Company.
Description: Application of Commonwealth Edison Company.
Filed Date: 09/13/2010.
Accession Number: 20100913–5247.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 12, 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. 2010–23618 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

September 16, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1258–001.

Applicants: Central New York Oil and Gas Co., LLC.

Description: Central New York Oil and Gas Company, LLC submits their compliance filing to incorporate in the FERC Gas Tariff 1.9 of the Wholesale Gas Quadrant etc.

Filed Date: 09/03/2010.

Accession Number: 20100907–0203.

Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1260–001.

Applicants: Arlington Storage Company, LLC.

Description: Arlington Storage Company, LLC submits adoption of NASEB Version 1.9 compliance filing pursuant to Order 587–U.

Filed Date: 09/03/2010.

Accession Number: 20100907–0202.

Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1261–001.

Applicants: Steuben Gas Storage Company.

Description: Steuben Gas Storage Company, LLC submits adoption of NASEB Version 1.9 compliance filing pursuant to Order 587–U.

Filed Date: 09/03/2010.

Accession Number: 20100907–0204.

Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1267–001.

Applicants: Energy West Development, Inc.

Description: Energy West Development, Inc. submits letter requesting to withdraw Original Sheet 29 et al and request to be replaced with a Second Revised Sheet 29A et al effective 11/1/10.

Filed Date: 09/03/2010.

Accession Number: 20100907–0201.

Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–991–001.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Great Lakes Gas Transmission Limited Partnership submits tariff filing per 154.203: Compliance to RP10–991 to be effective 6/29/2010.

Filed Date: 09/07/2010.

Accession Number: 20100907–5154.

Comment Date: 5 p.m. Eastern Time on Monday, September 20, 2010.

Docket Numbers: RP10–1010–001.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.203: Holcim Reexecuted Negotiated Rate Agreement Filing to be effective 8/1/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5202.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1119–001.

Applicants: National Fuel Gas Supply Corporation.

Description: National Fuel Gas Supply Corporation submits tariff filing per 154.203: National Fuel Baseline Correction to be effective 8/30/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5072.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23622 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 13, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1287–000.

Applicants: Destin Pipeline Company, LLC.

Description: Destin Pipeline Company, LLC submits tariff filing per 154.203: Baseline to be effective 9/10/2010.

Filed Date: 09/10/2010.

Accession Number: 20100910–5086.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1288–000.

Applicants: Discovery Gas Transmission LLC.

Description: Discovery Gas Transmission LLC submits tariff filing per 154.203: Baseline Tariff Re-Submittal to be effective 8/17/2010.

Filed Date: 09/10/2010.

Accession Number: 20100910–5088.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1289–000.

Applicants: Bobcat Gas Storage.

Description: Bobcat Gas Storage submits tariff filing per 154.203: Bobcat Baseline Tariff Filing to be effective 9/10/2010.

Filed Date: 09/10/2010.

Accession Number: 20100910–5148.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1290–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Negotiated Rate 2010–09–09 A&R Enserco, Concord, Northwind to be effective 9/11/2010.

Filed Date: 09/10/2010.

Accession Number: 20100910–5202.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1291–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.203: Amendment to Negotiated Rate Service Agreement to be effective N/A.

Filed Date: 09/10/2010.

Accession Number: 20100910–5235.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 2010.

Docket Numbers: RP10–1292–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits Ninth Revised Sheet No. 67 *et al* FERC Gas Tariff, Fifth Volume No. 1, effective 10/12/10.

Filed Date: 09/10/2010.

Accession Number: 20100913–0203.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 22, 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.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23590 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 10, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2546–000

Applicants: Greenbelt Energy LLC.

Description: Greenbelt Energy LLC submits Petition for Acceptance of initial Tariff, Waivers and Blanket Authorization.

Filed Date: 09/03/2010

Accession Number: 20100907–0206

Comment Date: 5 p.m. Eastern Time on Friday, September 24, 2010

Docket Numbers: ER10–2561–000

Applicants: New York Independent System Operator.

Description: New York Independent System Operator submits tariff filing per 35.13(a)(2)(iii): Service Agreement Between Niagara Mohawk and Tug Hill Energy to be effective 10/12/2010.

Filed Date: 09/08/2010

Accession Number: 20100908–5117

Comment Date: 5 p.m. Eastern Time on Wednesday, September 29, 2010

Docket Numbers: ER10–2562–000

Applicants: PacifiCorp.

Description: PacifiCorp submits for filing the Baseline for its Open Access Transmission Tariff, FERC Electric Tariff, Volume No. 11, to be effective 9/8/2010.

Filed Date: 09/08/2010

Accession Number: 20100908–5121

Comment Date: 5 p.m. Eastern Time on Wednesday, September 29, 2010

Docket Numbers: ER10–2563–000

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company submits tariff filing per 35.12: Market Rate Power Sales Tariff Baseline Filing to be effective 9/8/2010.

Filed Date: 09/08/2010

Accession Number: 20100908–5147

Comment Date: 5 p.m. Eastern Time on Wednesday, September 29, 2010

Docket Numbers: ER10–2564–000

Applicants: Tucson Electric Power Company.

Description: Tucson Electric Power Company submits tariff filing per 35.12: Baseline Filing for Tucson Electric Power Company MBR Tariff to be effective 9/9/2010.

Filed Date: 09/08/2010

Accession Number: 20100908–5149

Comment Date: 5 p.m. Eastern Time on Wednesday, September 29, 2010

Docket Numbers: ER10–2575–000

Applicants: Watson Cogeneration Company.

Description: Watson Cogeneration Company submits tariff filing per 35.12: Baseline MBR Tariff Filing of Watson Cogeneration Company to be effective 9/10/2010.

Filed Date: 09/09/2010

Accession Number: 20100909–5167

Comment Date: 5 p.m. Eastern Time on Thursday, September 30, 2010

Docket Numbers: ER10–2576–000

Applicants: Whiting Clean Energy, Inc.

Description: Whiting Clean Energy, Inc. submits tariff filing per 35.12: Baseline MBR Tariff Filing of Whiting Clean Energy, Inc. to be effective 9/10/2010.

Filed Date: 09/09/2010

Accession Number: 20100909–5168

Comment Date: 5 p.m. Eastern Time on Thursday, September 30, 2010

Docket Numbers: ER10–2578–000

Applicants: Fox Energy Company, LLC.

Description: Fox Energy Company, LLC submits tariff filing per 35.12: Baseline Filing for Fox Energy

Company, LLC Market Based Rate Tariff to be effective 9/10/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5023

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2579–000

Applicants: NorthPoint Energy Solutions Inc.

Description: NorthPoint Energy Solutions Inc. submits tariff filing per 35.12: NorthPoint—Baseline eTariff Filing to be effective 9/10/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5037

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2580–000

Applicants: Green Mountain Power Corporation.

Description: Green Mountain Power Corporation submits tariff filing per 35.12: First Baseline Filing to be effective 9/10/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5089

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2581–000

Applicants: Mid-Continent Energy Marketers Association.

Description: Mid-Continent Energy Marketers Association submits its Baseline Tariff Filing of the MEMA Capacity and Energy Tariff, to be effective 9/10/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5144

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2582–000

Applicants: Ohio Valley Electric Corporation.

Description: Ohio Valley Electric Corporation submits their Baseline eTariff Filing, to be effective 9/3/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5170

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2583–000

Applicants: Nevada Power Company

Description: Nevada Power Company submits the New filing of RPPA Rate Schedule No. 115, to be effective 10/1/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5177

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Docket Numbers: ER10–2584–000

Applicants: Nevada Power Company

Description: Nevada Power Company submits tariff filing per 35.12: New RPPA Rate Schedule No. 116 to be effective 10/1/2010.

Filed Date: 09/10/2010

Accession Number: 20100910–5194

Comment Date: 5 p.m. Eastern Time on Friday, October 1, 2010

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH10–20–000

Applicants: South Jersey Industries, Inc.

Description: Form 65–A of South Jersey Industries, Inc.

Filed Date: 09/09/2010

Accession Number: 20100909–5176

Comment Date: 5 p.m. Eastern Time on Thursday, September 30, 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. 2010–23591 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

September 15, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–96–000.

Applicants: Snowflake White Mountain Power, LLC, Snowflake Power, LLC.

Description: Joint Application for Authorization of Disposition and Acquisition of Existing Generation Facility and Related Jurisdictional Agreements, and Request for Shortened Comment Period and Expedited Consideration.

Filed Date: 09/14/2010.

Accession Number: 20100914–5181.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG10–68–000.

Applicants: Minco Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Minco Wind, LLC.

Filed Date: 09/14/2010.

Accession Number: 20100914–5131.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1102–001.
Applicants: Madison Paper Industries.
Description: Madison Paper Industries submits tariff filing per 35: Baseline Filing to be effective N/A.
Filed Date: 09/15/2010.
Accession Number: 20100915–5094.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2642–000.
Applicants: Cedars Rapids Transmission Company Limit.
Description: Cedars Rapids Transmission Company Limited submits tariff filing per 35.12: CRT Baseline Filing to be effective 9/14/2010.
Filed Date: 09/14/2010.
Accession Number: 20100914–5158.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2643–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company submits a Letter Agreement with NextEra Energy Resources, LLC for Engineering Study, to be effective 9/8/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5022.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2644–000.
Applicants: Hardwood Energy LLC.
Description: Hardwood Energy LLC submits an application for authorization to make wholesale sales of energy and capacity at negotiated, market-based rates.
Filed Date: 09/14/2010.
Accession Number: 20100915–0200.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 5, 2010.

Docket Numbers: ER10–2645–000.
Applicants: Baconton Power LLC.
Description: Baconton Power LLC submits tariff filing per 35.12: Baseline Market-Based Rates to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5053.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2646–000.
Applicants: APX, Inc.
Description: APX, Inc. submits tariff filing per 35.12: APX Baseline Tariff Filing to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5054.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2648–000.
Applicants: Deseret Generation & Transmission Co-opertive, Inc.
Description: Deseret Generation & Transmission Co-operative, Inc. submits its Baseline Tariff Filing, to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5067.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2649–000.
Applicants: Central Illinois Public Service Company.
Description: Central Illinois Public Service Company submits tariff filing per 35.13(a)(2)(iii): AIC MBR and Short-Term Protocol to be effective 12/31/1998.
Filed Date: 09/15/2010.
Accession Number: 20100915–5073.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2650–000.
Applicants: ISO Trader, LLC.
Description: ISO Trader, LLC submits tariff filing per 35.12: Baseline Electric Market-Based Rates to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5076.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2651–000.
Applicants: Lockhart Power Company.
Description: Lockhart Power Company submits tariff filing per 35.12: Lockhart MBR Baseline Filing to be effective 8/31/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5085.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2652–000.
Applicants: Lockhart Power Company.
Description: Lockhart Power Company submits tariff filing per 35.12: Lockhart COSAC Baseline Filing to be effective 8/31/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5089.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2653–000.
Applicants: Snowflake Power, LLC.
Description: Snowflake Power, LLC submits tariff filing per 35.12: Snowflake Power, LLC MBR Tariff Application to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5095.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2654–000.
Applicants: Vitol Inc.
Description: Vitol Inc. submits tariff filing per 35.12: Baseline to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5119.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2655–000.
Applicants: Gateway Energy Services Corporation.
Description: Gateway Energy Services Corporation submits tariff filing per 35.12: Market-Based Rate Tariff in Compliance with Order No. 714 to be effective 9/15/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5168.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 2010.

Docket Numbers: ER10–2656–000.
Applicants: Tucson Electric Power Company.
Description: Tucson Electric Power Company submits tariff filing per 35.12: Baseline Filing—Tucson Electric Power Company Open Access Transmission Tariff to be effective 9/16/2010.
Filed Date: 09/15/2010.
Accession Number: 20100915–5182.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 6, 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 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23619 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI10–17–000]

Antrim Treatment Trust; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

September 15, 2010.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI10–17–000.

c. *Date Filed:* September 9, 2010.

d. *Applicant:* Antrim Treatment Trust.

e. *Name of Project:* Antrim Micro-Hydropower Project.

f. *Location:* The proposed Antrim Micro-Hydropower Project will be located on an unnamed creek, tributary to Wilson Creek, near the town of Antrim, Tioga County, Pennsylvania.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Bryan J. Page, BioMost, Inc. 434 Spring Street Ext., Mars, PA 16046; *telephone:* (724) 776–0161; *Fax:* (724) 776–0166; *e-mail: http://www.bmi@biomost.com.*

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton, (202) 502–8768, or *E-mail address: henry.ecton@ferc.gov.*

j. *Deadline for filing comments, protests, and/or motions:* October 15, 2010.

All documents should be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* Please include the docket number (DI10–17–000) on any comments, protests, and/or motions filed.

k. *Description of Project:* The proposed Antrim Micro-Hydropower Project will consist of: (1) A collection pond, containing acidic metal-laden coal mine drainage, conveyed to a water treatment plant through a 12-inch PVC pipe; (2) an 1,100-foot-long, 18-inch-diameter HDPA pipe penstock from the treatment plant; (3) a powerhouse, located on the penstock, containing a Turgo turbine with a rated output of 30 kW; (4) a 16-inch diameter, approximately 8-foot-long tailrace, emptying into an unnamed stream; (5) a transmission line extending approximately 1,100-feet to the treatment plant, where it will provide power to selected components of the project; (6) a propane generator, providing backup power for the selected components; and (7) appurtenant facilities. The power will be used on site and the project will not be connected to an interstate grid.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the proposed project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each

representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23625 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2144–038; Project No. 2225–015]

Seattle City Light; Public Utility District No.1 of Pend Orielle County; Notice of Intent to Prepare an Environmental Impact Statement

September 16, 2010.

On September 9, 2009, the City of Seattle, Washington (City) filed an application for a new license for the continued operation of the 1,003-megawatt Boundary Hydroelectric Project (FERC No. 2144). On March 29, 2010, the City and the Public Utility District No. 1 of Pend Oreille, County, Washington (District) filed a joint comprehensive settlement agreement (Settlement), explanatory statement and a request to consolidate the processing of the City's relicensing of the Boundary Hydroelectric Project No. 2144–038, and the District's surrender of its license for the Sullivan Creek Hydroelectric Project No. 2225–013. On April 2, 2010, the District filed an application to surrender the Sullivan Creek Project. Parts of both projects occupy lands within the Colville National Forest.

In accordance with the National Environmental Policy Act (NEPA) and the Commission's regulations, Commission staff held public scoping meetings for the relicensing of the Boundary Project on July 18 and 19, 2006 in Spokane and Metaline Falls, Washington, respectively. On May 11, 2010, the Commission solicited scoping comments on the surrender of the Sullivan Creek Project and noticed a June 10, 2010, technical conference to discuss the Settlement and the scope of issues to be addressed in a combined environmental assessment for both projects. Based on the comments received at the technical conference and in response to the Commission's July 6, 2010 *Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions* (REA notice) for both projects, Commission staff has determined that relicensing of the Boundary Project may constitute a major Federal action significantly affecting the quality of the human environment. Therefore, staff now intends to prepare an Environmental Impact Statement (EIS) that addresses both the relicensing of the Boundary Project and the surrender of the Sullivan Creek Project.

A draft EIS will be issued and circulated for review by all interested parties. All comments filed on the draft EIS will be analyzed by the staff and considered in the final EIS. The staff's conclusions and recommendations will be available for the Commission's consideration in reaching its final licensing decision.

The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of Recommendations, Preliminary Terms and Conditions, and Fishway Prescriptions.	September 6, 2010.
Reply Comments due	October 19, 2010.
Issue Draft EIS	March 3, 2011.
Comments on Draft EIS Due	April 18, 2011.
Filing of Modified Mandatory Terms and Conditions.	June 17, 2011.
Issue Final EIS	September 15, 2011.

This notice informs all interested individuals, organizations, and agencies with environmental expertise and concerns, that: (1) The Commission staff has decided to prepare an EIS addressing both the relicensing of the Boundary Project and the surrender of the Sullivan Creek Project; and (2) the prior scoping conducted on these projects by Commission staff and comments filed with the Commission on the applications will be taken into account in the EIS.

Any questions regarding this notice may be directed to David Turner at (202) 502–6091, or by e-mail at *david.turner@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23685 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10–87–000]

Great River Energy; Notice of Filing

September 14, 2010.

Take notice that on September 10, 2010, Great River Energy (GRE) filed its proposed updated Reactive Power revenue requirement and supporting cost data for GRE's seven generation facilities located in the Midwest Independent Transmission System Operator, Inc. region, pursuant to the Commission's October 17 Order, *Midwest Independent Transmission System Operator, Inc.*, 113 FERC 61,046 (2005) (October 17 Order) at P 88 & n.13, *rehg. denied*, 114 FERC 61,192 (2006).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. 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: 5 p.m. Eastern Time on October 1, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23598 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 15, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1293–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Filing to incorporate RP10–465 approved changes (Pooling Points) to be effective 9/1/2010.

Filed Date: 09/13/2010.

Accession Number: 20100913–5239.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1294–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Add List of Non-Conforming to be effective 9/13/2010.

Filed Date: 09/13/2010.

Accession Number: 20100913–5240.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1295–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company LLC submits tariff filing per 154.204: Create List of Non-Conforming to be effective 9/14/2010.

Filed Date: 09/14/2010.

Accession Number: 20100914–5026.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1296–000.

Applicants: CenterPoint Energy—Mississippi River Transmission Corporation.

Description: CenterPoint Energy—Mississippi River Transmission Corporation submits Sheet No 7 Firm Transportation Rates *et al,* FERC Gas Tariff, Fourth Revised Volume 1, to be effective 11/1/2010.

Filed Date: 09/14/2010.

Accession Number: 20100914–5032.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1297–000.

Applicants: Viking Gas Transmission Company.

Description: Viking Gas Transmission Company submits tariff filing per 154.203: Non-Conforming Agreement Compliance Filing to be effective 9/14/2010.

Filed Date: 09/14/2010.

Accession Number: 20100914–5095.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1298–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.203: Baseline Electronic Tariff Filing to be effective 9/15/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5050.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1299–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits AFT–1 Service Agreements to FERC Gas Tariff, Sixth Revised Volume No 1, to be effective 10/15/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5052.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1300–000.

Applicants: Garden Banks Gas Pipeline, LLC.

Description: Garden Banks Gas Pipeline, LLC submits tariff filing per 154.203: Baseline Resubmittal to be effective 9/5/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5075.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 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.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23620 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

September 16, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–1301–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.203: Haynesville/Perryville Project Implementation Tariff Record to be effective 10/1/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5103.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1302–000.

Applicants: Portland Natural Gas Transmission System.

Description: Portland Natural Gas Transmission System submits Second Revised Sheet 323 *et al.,* of its FERC Gas Tariff, Second Revised Volume 1 effective 11/1/10.

Filed Date: 09/15/2010.

Accession Number: 20100915–0204.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1303–000.

Applicants: Viking Gas Transmission Company.

Description: Viking Gas Transmission Company submits tariff filing per 154.203: Non Conforming Agreement Amendments to be effective 11/1/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5185.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 2010.

Docket Numbers: RP10–1304–000.

Applicants: Gulf States Transmission Corporation.

Description: Gulf States Transmission Corporation submits tariff filing per 154.203: Gulf States Transmission Corporation Baseline Tariff Filing to be effective 9/15/2010.

Filed Date: 09/15/2010.

Accession Number: 20100915–5205.

Comment Date: 5 p.m. Eastern Time on Monday, September 27, 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.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23621 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM06–22–014]

North American Electric Reliability Corporation; Notice of Filing September 14, 2010.

Take notice that on September 9, 2010, the North American Electric Reliability Corporation (NERC) submitted its compliance filing and request for approval of implementation plans for Generator Owners and Generator Operators of nuclear power plants in the United States for Versions 2 and 3 of the Critical Infrastructure Protection Reliability Standards, designated as CIP–002–2 through CIP–009–002 and CIP–002–3 through CIP–009–003 respectively, in compliance with the Commission's March 18, 2010 Order, *Order Addressing Compliance Filing and Approving Implementation Plans,* 130 FERC ¶ 61,185 (2010) (March 18 Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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: 5 p.m. Eastern Time on September 30, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23601 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL10–54–000]

Desert Southwest Power, LLC; Notice of Filing

September 14, 2010.

Take notice that on September 10, 2010, Desert Southwest Power, LLC (Desert Southwest) filed responses to the Federal Energy Regulatory Commission's (Commission) request for additional information contained in the Commission's July 28, 2010 letter regarding Desert Southwest's petition for declaratory order requesting incentive rate treatment for its proposed transmission project filed on March 30, 2010.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. 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: 5 p.m. Eastern Time on September 24, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23597 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER10–2378–000; ER10–2379–000]

MATEP Limited Partnership; MATEP LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 14, 2010.

This is a supplemental notice in the above-referenced proceeding of MATEP Limited Partnership and MATEP LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 4, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23616 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–2546–000]

Greenbelt Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 14, 2010.

This is a supplemental notice in the above-referenced proceeding of Greenbelt Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 4, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23617 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER10–1777–000]

Sundevil Power Holdings, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

September 14, 2010.

This is a supplemental notice in the above-referenced proceeding of Sundevil Power Holdings, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 4, 2010.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–23615 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–7–000]

ILP Effectiveness Evaluation 2010; Supplemental Notice of Multi-Stakeholder Technical Conference on the Integrated Licensing Process

September 14, 2010.

As announced in the May 18, 2010, "Notice of Interviews, Teleconferences, Regional Workshops and Multi-Stakeholder Technical Conference on the Integrated Licensing Process," a technical conference will be held on November 3, 2010, from 11 a.m. (EST) to 3 p.m (EST) in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open to the public, and all interested parties are invited to attend and participate. To ensure adequate materials are available, please register to attend the technical conference by e-mailing Stephanie Obadia at *sobadia@kearnswest.com* by October 29, 2010.

The purposes of the technical conference are to: (1) Share what we heard about experiences learned from implementing the Integrated Licensing Process (ILP); (2) build on the feedback gathered through personal interviews, by-sector teleconferences, and regional workshops; and (3) identify what works and explore ideas/solutions to better implement the ILP within the framework of the existing regulations. The conference will provide an opportunity for industry, state and Federal agencies, tribes, and other stakeholders to express their views and suggestions for implementing the ILP.

A free webcast of this event is available through *http://www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to the Calendar of Events at *http://www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the conference via phone-bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or call (703) 993–3100.

Anyone without internet access can view the conference via television from one of the Commission's regional offices. For building security access reasons, please call or e-mail the following staff by **October 28, 2010** to make arrangements. Seating capacity is limited.

Regional office	Staff contact	Telephone No.	E-mail address
Atlanta	Charles Wagner	(678) 245–3065	*charles.wagner@ferc.gov*
Chicago	Peggy Harding	(312) 596–4438	*peggy.harding@ferc.gov*
New York	Peter Valeri	(212) 273–5930	*peter.valeri@ferc.gov*
Portland	Patrick Regan	(503) 552–2741	*patrick.regan@ferc.gov*
San Francisco	Wing Lee	(415) 369–3390	*wing.lee@ferc.gov*

This conference will be transcribed. Transcripts of the conference will be immediately available for a fee from Ace-Federal Reporters, Inc. (202) 347–3700 or (800) 336–6646.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

Those who wish to file written comments may do so in paper format or electronically by December 3, 2010. Comments may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Paper filings should, at the top of the first page, refer to Docket No. AD10–7–000.

All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington DC 20426, during regular business hours. Additionally, all comments may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. For assistance, call toll free 1–866–208–3676, or for TTY 202–502–8659, or by e-mail to *FERCOnlineSupport@ferc.gov.*

For more information about this conference, please contact David Turner at (202) 502–6091 or *david.turner@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23596 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM06–16–010; RM06–16–011]

Mandatory Reliability Standards for the Bulk Power System; Supplemental Notice of Technical Conference

September 14, 2010.

On August 19, 2010 the Federal Energy Regulatory Commission announced that a Technical Conference on Frequency Response in the Wholesale Electric Grid would be held on Thursday, September 23, from 10 a.m. to 4 p.m. This staff-led conference will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The conference will be open for the public to attend and advance registration is not required. Members of the Commission may attend the conference.

Attached is an agenda for this meeting. A full agenda, with panelists, will be posted on the Commission's Web calendar page for this event prior to the meeting. The Commission's Web site is at *http://www.ferc.gov.*

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23600 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting

September 15, 2010.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meeting noted below. The meeting will be hosted by Entergy Arkansas, Inc. (EAI) and will examine, among other things, steps by EAI in exploring future successor arrangements. Their attendance is part of the Commission's ongoing outreach efforts.

September 23, 2010 (9:30 a.m.–4 p.m.), Embassy Suites Hotel, 11301 Financial Center Parkway, Little Rock, AR 72211, 501–312–9000.

The discussions may address matters at issue in the following proceedings:

Docket No. OA07–32	Entergy Services, Inc.
Docket No. OA08–59	Entergy Services, Inc.
Docket No. EL00–66	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL01–88	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL05–15	*Arkansas Electric Cooperative Corp.* v. *Entergy Arkansas, Inc.*
Docket No. EL07–52	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL08–51	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL08–60	*Ameren Services Co.* v. *Entergy Services, Inc.*
Docket No. EL09–43	*Arkansas Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–61	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–78	*South Mississippi Electric Power Association* v. *Entergy Services, Inc.*
Docket No. EL10–55	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL10–65	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. ER05–1065	Entergy Services, Inc.
Docket No. ER07–682	Entergy Services, Inc.
Docket No. ER07–956	Entergy Services, Inc.
Docket No. ER08–767	Entergy Services, Inc.
Docket No. ER08–1056	Entergy Services, Inc.
Docket No. ER08–1057	Entergy Services, Inc.
Docket No. ER09–636	Entergy Services, Inc.
Docket No. ER09–833	Entergy Services, Inc.
Docket No. ER09–877	Entergy Services, Inc.
Docket No. ER09–882	Entergy Services, Inc.
Docket No. ER09–1214	Entergy Services, Inc.

Docket No. ER09–1224	Entergy Services, Inc.
Docket No. ER10–794	Entergy Services, Inc.
Docket No. ER10–879	Entergy Services, Inc.
Docket No. ER10–984	Entergy Services, Inc.
Docket No. ER10–1350	Entergy Services, Inc.
Docket No. ER10–2246	Entergy Services, Inc.
Docket No. ER10–2247	Entergy Services, Inc.
Docket No. ER10–2267	Entergy Services, Inc.
Docket No. ER10–2292	Entergy Services, Inc.
Docket No. ER10–2299	Entergy Services, Inc.

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23627 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting

September 15, 2010.

The Federal Energy Regulatory Commission (Commission) hereby gives notice that a meeting will be held, as noted below, to present the final results of the cost benefit analysis conducted by Charles River Associates and Resero Consulting to study the effects of Entergy Services, Inc. and Cleco Power joining the Southwest Power Pool regional transmission organization. This meeting may be attended by Commissioners and other Commission staff.

September 30, 2010 (9 a.m.–12 p.m.), Astor Crowne Plaza, 739 Canal Street, New Orleans, LA 70130, 504–962–0500.

The discussions may address matters at issue in the following proceedings:

Docket No. OA07–32	Entergy Services, Inc.
Docket No. OA08–59	Entergy Services, Inc.
Docket No. EL00–66	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL01–88	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL05–15	*Arkansas Electric Cooperative Corp.* v. *Entergy Arkansas, Inc.*
Docket No. EL07–52	*Louisiana Public Service Commission* v. *Entergy* Services, Inc.
Docket No. EL08–51	*Louisiana Public Service Commission* v. *Entergy* Services, Inc.
Docket No. EL08–60	*Ameren Services Co.* v. *Entergy Services, Inc.*
Docket No. EL09–43	*Arkansas Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–61	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–78	*South Mississippi Electric Power Association* v. *Entergy Services, Inc.*
Docket No. EL10–55	*Louisiana Public Service Commission* v. *Entergy* Services, Inc.
Docket No. EL10–65	*Louisiana Public Service Commission* v. *Entergy* Services, Inc.
Docket No. ER05–1065	Entergy Services, Inc.
Docket No. ER07–682	Entergy Services, Inc.
Docket No. ER07–956	Entergy Services, Inc.
Docket No. ER08–767	Entergy Services, Inc.
Docket No. ER08–1056	Entergy Services, Inc.
Docket No. ER08–1057	Entergy Services, Inc.
Docket No. ER09–636	Entergy Services, Inc.
Docket No. ER09–833	Entergy Services, Inc.
Docket No. ER09–877	Entergy Services, Inc.
Docket No. ER09–882	Entergy Services, Inc.
Docket No. ER09–1214	Entergy Services, Inc.
Docket No. ER09–1224	Entergy Services, Inc.
Docket No. ER10–794	Entergy Services, Inc.
Docket No. ER10–879	Entergy Services, Inc.
Docket No. ER10–984	Entergy Services, Inc.
Docket No. ER10–1350	Entergy Services, Inc.
Docket No. ER10–2246	Entergy Services, Inc.
Docket No. ER10–2247	Entergy Services, Inc.
Docket No. ER10–2267	Entergy Services, Inc.
Docket No. ER10–2292	Entergy Services, Inc.
Docket No. ER10–2299	Entergy Services, Inc.

This meeting is open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23626 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–496–000]

Notice of Petition To Amend Authorizations Under Section 3 of the Natural Gas Act; Cameron LNG, LLC

September 15, 2010.

Take notice that on September 3, 2010, Cameron LNG, LLC (Cameron), 101 Ash Street, San Diego, California 92101, filed a petition to amend the authorizations issued September 11, 2003, in Docket No. CP02–378–000 under section 3 of the Natural Gas Act operate its existing liquefied natural gas (LNG) terminal facility located in Cameron Parish, Louisiana, for the additional purpose of exporting foreign-sourced LNG. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676; or for TTY, contact (202) 502–8659.

Direct any initial questions regarding Cameron's proposal in this petition to William D. Rapp, Counsel for Cameron LNG, LLC, 101 Ash Street, San Diego, California 92101, phone (619) 699–5050.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 and 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. We will place environmental commenters on the Commission's environmental mailing list, send commenters copies of the environmental documents and notification of meetings associated with the Commission's environmental review process. We will not require environmental commenters to serve copies of filed documents on all other parties. However, we will not send copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) to the non-party commenters, and they will not have the right to seek court review of the Commission's final order.

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 the original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: October 7, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23628 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–498–000]

Ryckman Creek Resources, LLC; Notice of Petition

September 15, 2010.

Take notice that on September 3, 2010, Ryckman Creek Resources, LLC (Petitioner), 3 Riverway, Suite 1110, Houston, Texas 77056, filed in Docket No. CP10–498–000, a petition for an Exemption of Temporary Acts and Operations and Request for Expedited Approval, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5) and section 7(c)1(B) of the Natural Gas Act, to perform specific temporary activities related to drill site preparation and the drilling of a stratigraphic test well. Specifically, Petitioner proposes to drill the 9–H Test Well located in Uinta County, WY to obtain cores in the Gypsum Springs and upper Nugget formations to verify certain characteristics of the reservoir in order to develop a proposed underground natural gas storage facility, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Thomas Wynne, Ryckman Creek Resources, LLC, 3 Riverway, Suite 1110, Houston, TX 77056, telephone no. (713)

974–5600, facsimile no. (713) 974–5601, and e-mail: *twynne@peregrinempllc.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 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: September 29, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23623 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13645–000]

Alaska Power and Telephone Company; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 16, 2010.

On December 21, 2009, the Alaska Power and Telephone Company filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Schubee Lake Hydroelectric Project to be located near Schubee Lake in the Boroughs of Skagway and Haines, Alaska near Haines, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project has two alternatives for the lake intake: a siphon intake and a conventional intake. The proposed project also has two alternatives for the penstock: above-ground and directional-bored.

The siphon intake alternative includes: (1) A fabricated steel intake screen; (2) an approximately 200-foot-long, 24-inch-diameter high-density polyethylene pipe connecting the intake screen to the pumphouse; (3) an 8-foot-long, 24-inch-diameter vacuum tank and a vacuum pump; (4) a siphon pumphouse; and (5) a 269-acre (maximum pool), 5,000 acre-foot active storage capacity reservoir.

The conventional intake alternative includes: (1) A 20-foot-high, 200-foot-long timber, rockfill, and concrete dam; (2) an 8-foot-long, 8-foot-wide, 20-foot-high concrete intake box; and (3) a 290-acre (maximum pool), 6,000 acre-foot active storage capacity reservoir.

The above-ground penstock alternative includes: (1) A 7,100-foot-long, 24-inch-diameter steel pipe with polyurethane coating and lining; (2) concrete and fabricated steel saddle supports; (3) reinforced concrete thrust blocks; and (4) expansion joints and/or sleeve couplings.

The directional-bored penstock alternative includes: (1) A 7,200-foot-long, 28-inch-diameter tunnel, bored with directional-drilling equipment by successive backreamings of a pilot hole;

(2) a 7,200-foot-long, 24-inch-diameter steel liner; and (3) grout between lining and tunnel as required.

In all of the alternatives, the project would also consist of the following: (1) A new powerhouse; (2) a turbine/generator unit with an installed capacity of 4,900 kilowatts; and (3) a 9-mile-long, 34.5-kilovolt transmission line connected to the grid in the Haines area via a submarine cable.

Annual energy production is estimated to be 25 gigawatt-hours.

Applicant Contact: Mr. Robert S. Grimm, Alaska Power and Telephone Company, P.O. Box 3222, Port Townsend, WA 98368; phone: (360) 385–1733, x120.

FERC Contact: Dianne Rodman (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13645–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23683 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13700–000]

Hydrodynamics, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

September 16, 2010.

On April 5, 2010, Hydrodynamics, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Mill Coulee Hydroelectric Project to be located in Cascade County, Montana near Fairfield, Montana on the Mill Coulee canal, a water distribution facility of the U.S. Bureau of Reclamation's Sun River Project. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project will consist of the following: (1) A new 3-foot-high, 20-foot-wide, one-foot-thick diversion structure with a flood gate and trash rack; (2) a 2,020-foot-long, 48-inch-diameter polyethylene penstock; (3) a 60-foot-long, 60-foot-wide powerhouse; (4) a turbine/generator unit with a capacity rating of 900 kilowatts; (5) a 3,750-foot-long clay-lined tailrace canal returning flows to the Mill Coulee canal; and (6) a 69-kilovolt, 3,400-foot-long transmission line.

Annual energy production is estimated to be 2.25 gigawatt-hours.

Applicant Contact: Roger Kirk, Hydrodynamics, Inc., 521 E. Peach, Suite 2B, Bozeman, MT 59715; phone: (406) 587–5086.

FERC Contact: Dianne Rodman; phone: (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13700–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–23682 Filed 9–21–10; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–8846–3]

Access to Confidential Business Information by Eastern Research Group and Its Identified Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Eastern Research Group (ERG) of Lexington, MA and subcontractor Avanti Corporation of Alexandria, VA, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data will occur no sooner than September 29, 2010.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Scott Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; fax number: (202) 564–8251; e-mail address: *sherlock.scott@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPPT–2003–0004. All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at *http://www.epa.gov/fedrgstr*.

II. What Action is the Agency Taking?

Under Contract Number EP–W–10–014, contractor ERG of 110 Hartwell Ave., Lexington, MA and subcontractor Avanti Corporation of 5520 Cherokee Ave., Suite 205, Alexandria, VA will assist the Office of Pollution Prevention and Toxics (OPPT) in preparing exposure and release assessments for OPPT's new and existing chemical review programs; providing support for regulatory efforts such as the TSCA Inventory Update Rule Amendments; and preparing various technical analyses to support OPPT activities under all sections of TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under Contract Number EP–W–10–014, ERG and its subcontractor will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ERG and its subcontractor's personnel will be given access to information submitted to EPA under all sections of TSCA.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ERG and its subcontractor access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and ERG's sites located at 14555 Avion Parkway, Suite 200, Chantilly, VA and 110 Hartwell Ave., Lexington, MA in accordance with EPA's TSCA CBI Protection Manual.

Access to TSCA data, including CBI, will continue until August 9, 2015. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ERG and its subcontractor's personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: September 16, 2010.

Diane Sheridan,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2010–23721 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0019; FRL–9204–6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Clean Watersheds Needs Survey (Renewal); EPA ICR No. 0318.12, OMB Control No. 2040–0050

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2010.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2003–0019, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Michael Plastino, Municipal Support Division, Office of Wastewater Management, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; phone number: 202–564–0682; fax number: 202–501–2397; e-mail address: *cwns@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 26, 2010 (75 FR 29532), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2003–0019, which is available for online viewing at *http://*

www.regulations.gov, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Water Docket is 202–566–2426.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov.* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Clean Watersheds Needs Survey (Renewal).

ICR numbers: EPA ICR No. 0318.12, OMB Control No. 2040–0050.

ICR Status: This ICR is scheduled to expire on January 31, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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 title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Clean Watersheds Needs Survey (CWNS) is required by Clean Water Act (CWA) Sections 205(a) and 516. It is a periodic inventory of existing and projected publicly owned wastewater treatment works (POTWs) and other water pollution control facilities in the United States, as well as an estimate of how many POTWs need to be built. The CWNS is a joint effort of EPA and the States. The Survey records cost and technical data associated with POTWs and other water pollution control facilities, existing and projected, in the United States. The State respondents who provide this information to EPA are State agencies responsible for environmental pollution control. No confidential information is used, nor is sensitive information protected from release under the Public Information Act. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.55 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 56 States (States, District of Columbia, U.S. Territories) and 5,124 Local Facilities.

Estimated Number of Respondents: 5,180.

Frequency of Response: Every 4 years.

Estimated Total Annual Hour Burden: 9,115.

Estimated Total Annual Cost: $371,066, includes $0 annualized capital or O&M costs.

Changes in the Estimates: There is an increase of 308 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This is the net result of a decrease of 52 state burden hours combined with an increase of 360 hours in Local Facility burden hours. Seven states will select the Gap Approach Option, which is projected to decrease burden slightly due to the sampling design (the greater State effort per facility is slightly more than offset by entering data for a sampled portion of facilities rather than for all facilities). For Local Facilities, there is an increased number of facilities that more than offsets the burden saved by switching from a census to a sampling approach.

Dated: September 16, 2010.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2010–23695 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2010–0800; FRL–8847–7

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 30, 2010 to August 31, 2010, consists of the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the specific PMN number or TME number, must be received on or before October 22, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0800, by one of the following methods:

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

• *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2010–[insert Docket ID no.]. The DCO is open from

8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2010–0800. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For technical information contact*: Bernice Mudd, Information Management Division 7407M, Office of Chemical Safety Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8951; fax number: (202) 564–8955; e-mail address: [*mudd.bernice@epa.gov*.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. 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. What Should I Consider as I Prepare My Comments for EPA?

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

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

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

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

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

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

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

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

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

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

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 30, 2010 to August 31, 2010, consists of the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs and TME

This status report identifies the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 62 PREMANUFACTURE NOTICES RECEIVED FROM: 7/30/10 TO 8/31/10

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0477	07/30/10	10/27/10	3M	(S) Filler in epoxy resin	(G) Surface modified ceramic particle
P–10–0478	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0479	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0480	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0481	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0482	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0483	08/03/10	10/31/10	CBI	(G) Moisture curing polyurethane adhesive	(G) Isocyanate terminated urethane polymer
P–10–0484	07/30/10	10/27/10	Elementis Specialties, Inc.	(G) Dispersant	(G) Esterified polymer of styrene, maleic anhydride and ethenylbenzene, potassium salt
P–10–0485	07/30/10	10/27/10	CBI	(G) Open, non-dispersive textile finish	(G) Modified fluorinated acrylate
P–10–0486	07/30/10	10/27/10	Sasol North America	(S) Enhanced oil recovery - injected downhole to spur oil production	(S) Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-sulfo-.omega.-hydroxy-,C_{12-13}-branched and linear alkyl ethers, sodium salts
P–10–0487	07/30/10	10/27/10	Sasol North America	(S) Enhanced oil recovery - injected downhole to spur oil production	(S) Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-sulfo-.omega.-hydroxy-,C_{14-15}-branched and linear alkyl ethers, sodium salts
P–10–0488	08/02/10	10/30/10	CBI	(G) Paper coating	(G) Poly(urethane urea)
P–10–0489	08/02/10	10/30/10	Honeywell	(S) Intermediate	(G) Pentahalosubstituted alkene
P–10–0490	08/03/10	10/31/10	CBI	(S) Hot melt adhesive for bonding different substrates like plastics, metals, wood, packaging materials, and leather	(G) Dimer fatty acid, polymer with tall-oil fatty acid, alkyl diacid and alkyldiamines
P–10–0491	08/04/10	11/01/10	GE Water and Process Technologies	(G) Separation coagulant	(G) Amphoteric acrylic polymer
P–10–0492	08/05/10	11/02/10	CBI	(G) Polymer additive	(G) Acetoacetonate end capped polyol
P–10–0493	08/06/10	11/03/10	CBI	(G) Curable epoxy resin	(G) Bisphenol A epoxy hema phthalate
P–10–0494	08/09/10	11/06/10	CBI	(G) Intermediate chemical product	(G) Polyphenol ether
P–10–0495	08/10/10	11/07/10	CBI	(G) Coating additive	(G) Poly(oxy-1,2-ethanediyl),.alpha.,-monoalkyl ethers-.omega.-mono(hydrogen maleate)-
P–10–0496	08/10/10	11/07/10	CBI	(G) Open, non-dispersive use (additive for coating layer)	(G) Poly acrylate
P–10–0497	08/10/10	11/07/10	Firmenich Incorporated	(S) Aroma for use in fragrance mixtures, that in turn are used in perfumes, soaps, cleansers, etc.	(S) 1-cyclohexene-1-propanal, 4,4-dimethyl-
P–10–0498	08/10/10	11/07/10	CBI	(G) Latent curing agent for polyurethanes	(S) Dodecanoic acid, 3-[[3-[[[2,2-dimethyl-3-[(1-oxododecyl)oxy]propylidene] amino]methyl]-3,5,5-trimethylcyclohexyl]imino]-2,2-dimethylpropyl ester
P–10–0499	08/10/10	11/07/10	CBI	(G) Latent curing agent for poyurethanes	(S) Dodecanoic acid, 1,6-hexanediylbis[nitrilo(2,2-dimethyl-1-propanyl-3-ylidene)] ester

I. 62 PREMANUFACTURE NOTICES RECEIVED FROM: 7/30/10 TO 8/31/10—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0500	08/11/10	11/08/10	CBI	(G) Material for semi-conductor	(G) Oxybiscarbomonocyclic acid, polymer with oxybis[heteropolycyclic ketone],(alkyl(C=1–4)-substituted bis [alkyl(C=2–5)amine],[halo(haloalkyl (C=1–4)alkylidene]bis [aminocarbomonocyclicalcohol] and [halo(haloalkyl(C=14)alkyidene]bis (hydroxycarbomonocyclc-e)]bis[aminobenzamide],alkyl(C=1–4)ester
P–10–0501	08/11/10	11/08/10	Xerox Corporation	(G) Destructive use (site limited intermediate)	(G) Substituted pyridone
P–10–0502	08/12/10	11/09/10	Dow Chemical Company	(S) Hardner for epoxy thermoset coating systems	(G) Polymer of formaldehyde, diamine and phenol
P–10–0503	08/12/10	11/09/10	Dow Chemical Company	(S) Hardner for epoxy thermoset coating systems	(G) Polymer of formaldehyde, diamine and phenol
P–10–0504	08/13/10	11/10/10	ICI-IP America Inc.	(S) Flame retardant on textiles	(G) Phosphoric acid, metal salt
P–10–0505	08/13/10	11/10/10	CBI	(G) Component in industrial cleaner	(G) Alkoxylated alkyl alcohol, ester with alknoenedioic acid, alkali metal salt
P–10–0506	08/17/10	11/14/10	Coim USA, Inc.	(S) Packaging adhesives	(S) 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3-propanediol, hexanedioic acid and 2,2′-oxybis[ethanol]
P–10–0507	08/17/10	11/14/10	Avebe Inc.	(S) Production aid for parent / sizing emulsion for application in paper and paperboard	(S) Starch, oxidized, 2-hydroxy-3-(trimethylammonio)propyl ether, chloride
P–10–0508	08/19/10	11/16/10	Emery Oleochemicals LLC	(G) Chemical intermediate	(G) Mixed mono and di carboxylic acids
P–10–0509	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0510	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0511	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0512	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0513	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0514	08/19/10	11/16/10	Emery Oleochemicals LLC	(S) Polyester polyol for polyurethane ridged foam; polyester polyol for polyurethane flexible foam; polyester polyol for polyurethane coatings	(G) Ester polyol, fatty acid ester
P–10–0515	08/18/10	11/15/10	CBI	(S) Binder for paints and coatings	(S) 2-propenoic acid, 2-methyl-, methyl ester, polymer with butyl 2-propenoate and *N*-(1,1-dimethyl-3-oxobutyl)-2-propenamide
P–10–0516	08/17/10	11/14/10	Cytec Industries Inc.	(G) Coatings resin	(G) Alkanoic acid ester, polymers with alkanolamine and substituted acrylate-blocked substituted polyalkylene-urethane polymer

I. 62 PREMANUFACTURE NOTICES RECEIVED FROM: 7/30/10 TO 8/31/10—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0517	08/19/10	11/16/10	Dow Chemical Company	(S) Surfactant for architectural coatings; surfactant used in industrial metal cleaning solutions	(S) Oxirane, 2-ethyl-, polymer with oxirane, mono-C_{12-14}-sec-alkyl ethers
P–10–0518	08/19/10	11/16/10	Dow Chemical Company	(S) Surfactant for architectural coatings; surfactant used in industrial metal cleaning solutions	(S) Oxirane, 2-ethyl-, polymer with oxirane, mono-C_{11-15}-sec-alkyl ethers
P–10–0519	08/20/10	11/17/10	Coim USA, Inc.	(S) Resin used to make foam insulation	(S) Hexanedioic acid, polymer with 2,2-dimethyl-1,3-propanediol, 1,2-ethanediol and 1,6-hexanediol
P–10–0520	08/20/10	11/17/10	Cognis Corporation	(S) Agricultural pesticide inert adjuvant (to be FIFRA approved)	(S) 1,2,3-propanetriol, hydrogen sulfate, ammonium salt
P–10–0521	08/23/10	11/20/10	Wacker Chemical Corporation	(G) Contained use (chemical intermediate, consumed during polymer grafting)	(S) Siloxanes and silicones, di-me, polymers with me ph silsesquioxanes, methoxy-terminated
P–10–0522	08/23/10	11/20/10	DIC International (USA) LLC	(G) Adhesive for plastic films	(G) Polymer with aromatic polycarboxylic acid, aliphatic polycarboxylic acid and aliphatic polyol
P–10–0523	08/23/10	11/20/10	3M Company	(S) Oil-and water-repellent agent for hard surfaces	(G) Fluorochemical acrylate copolymer
P–10–0524	08/24/10	11/21/10	Dow Chemical Company	(G) Component of polyurethane coating	(G) Brominated polyurethane prepolymer of MDI
P–10–0525	08/24/10	11/21/10	Dow Chemical Company	(G) Component of polyurethane coating	(G) Brominated polyurethane prepolymer of MDI
P–10–0526	08/25/10	11/22/10	Anderson Development Company	(S) Powder coating resin	(G) Methacrylate co-polymer
P–10–0527	08/25/10	11/22/10	Anderson Development Company	(S) Powder coating resin	(G) Methacrylate co-polymer
P–10–0528	08/25/10	11/22/10	CBI	(G) Coatings	(G) Urethane acrylate
P–10–0529	08/26/10	11/23/10	Rhodia, Inc.	(G) Oil field additive	(G) Copolymer containing phosphonic, sulfonic and carboxylic acid groups
P–10–0530	08/27/10	11/24/10	CBI	(G) Polymer admixture for cements	(G) Polycarboxylate polymer with alkenyloxyalkylol modified poly(oxyakylenediyl), sodium salt
P–10–0531	08/27/10	11/24/10	CBI	(G) Unsaturated polyester resin	(G) Unsaturated polyester resin
P–10–0532	08/27/10	11/24/10	C. I. Hauthaway and Sons Inc.	(S) Wood primer / seal coating- tannin stain blocker	(G) Polyester based aliphatic cationic waterbased polyurethane
P–10–0533	08/30/10	11/27/10	CBI	(G) Interior and exterior coating additive	(G) Styrene / acrylate copolymer
P–10–0534	08/31/10	11/28/10	CBI	(S) Coating ingredient	(G) Substituted poly[oxy(methyl ethanediyl)], substituted[[[[trimethyl [[[[(oxopropenlyl)oxy]ethoxy]carbonyl]amino] cyclohexyl]methyl]amino]carbonyl [[[[[trimethyl[[[[(oxopropen1yl)oxy] ethoxy]amino]cyclohexyl]methyl]amino]carbonyl]oxy-
P–10–0535	08/30/10	11/27/10	CBI	(S) Textile coating	(G) Propanoic acid, oxyalkylpropanoic acid, polymer with hydrazine, -hydro--hydroxypoly[oxy(methyl-1,2-ethanediyl)] and 5-isocyanato-1-(isocyanatomethyl)-alkylcyclohexane, compound with *N,N*-diethylethanamine
P–10–0538	08/31/10	11/28/10	CBI	(S) Textile coating	(G) Propanoic acid, oxyalkylpropanoic acid, polymer with hydrazine, -hydro--hydroxypoly[oxy(methyl-1,2-ethanediyl)] and 5-isocyanato-1-(isocyanatomethyl)-alkylcyclohexane, compound with 2-(dimethylamino)ethanol
P–10–0539	08/31/10	11/28/10	CBI	(G) Cathode in batteries	(G) Metal oxide

I. 62 PREMANUFACTURE NOTICES RECEIVED FROM: 7/30/10 TO 8/31/10—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–10–0540	08/31/10	11/28/10	CBI	(S) Textile coating	(G) Propanoic acid, oxyalkylpropanoic acid, polymer with hydrazine, -hydro--hydroxypoly[oxy(methyl-1,2-ethanediyl)] and 5-isocyanato-1-(isocyanatomethyl)-alkylcyclohexane, compound with 2-(dimethylamino)ethanol

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the TMEs received:

II. 1 TEST MARKETING EXEMPTION NOTICES RECEIVED FROM: 07/30/10 TO 08/31/10

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
T–10–0006	08/17/10	09/30/10	Cytec Industries Inc.	(G) Coatings resin	(G) Alkanoic acid ester, polymers with alkanolamine and substituted acrylate-blocked substituted polyalkylene-urethane polymer

In Table III of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

III. 31 NOTICES OF COMMENCEMENT FROM: 7/30/10 TO 8/31/10

Case No.	Received Date	Commencement Notice End Date	Chemical
P–08–0224	08/04/10	07/30/10	(G) Fluoroalkyl acrylate copolymer
P–09–0147	08/04/10	07/08/10	(S) Formaldehyde, polymers with acetone-phenol reaction products and phenol, potassium sodium salts
P–09–0293	08/20/10	07/29/10	(G) Phosphoric acid, mixed esters with partially fluorinated alcohol, ammonium salts
P–09–0317	08/11/10	07/12/10	(S) Copper (2+), bis[*N*-[amino(imino-KN)methyl]urea-KO]-, nitrate (1:2)
P–09–0334	08/09/10	07/30/10	(S) 8AH-2,4A-methanonaphthalene-8A-ol, octahydro-1,1,5,5-tetramethyl-
P–09–0370	07/30/10	06/29/10	(G) Polyester modified MDI prepolymer
P–09–0527	08/26/10	05/27/10	(G) Fatty acids, polymer with an aromatic diol, C_{18}-unsaturated fatty acids dimers, epichlorohydrin and triethylenetetramine
P–09–0556	08/17/10	07/26/10	(G) Modified ketal
P–09–0614	08/13/10	08/02/10	(G) 2-propenoic acid, 2-methyl-, C_{12-15}-branched and linear alkyl esters, polymers with alkyl methacrylates alkyl peroxide-initiated
P–09–0645	08/27/10	08/20/10	(G) Substituted alkyl phosphate ester, ammonium salt
P–10–0007	08/23/10	08/02/10	(G) Distillates (petroleum), light thermal cracked, reaction products with phenol, carboxylated, metal salts
P–10–0023	08/23/10	08/06/10	(G) Benzenesulfonic acid, 4-amino, azo pigment
P–10–0112	08/24/10	08/05/10	(G) Benzene dicarboxylic acid, polyester with glycol and polyethylene glycol
P–10–0138	07/30/10	07/15/10	(G) Long chain alkylacrylate, homopolymers
P–10–0139	07/30/10	07/15/10	(G) Long chain alkylacrylate, homopolymers
P–10–0144	08/17/10	07/16/10	(G) Methyl-phenyl silicone resin with alkoxy groups
P–10–0201	08/09/10	07/28/10	(G) Polyether polyurethane
P–10–0205	08/11/10	07/21/10	(G) Poly(aryl ether) polymers
P–10–0228	08/11/10	07/15/10	(G) Benzoic acid derivative
P–10–0234	08/09/10	07/12/10	(S) 2-cyclopentene-1-acetic acid, 2-ethylbutyl ester
P–10–0239	08/20/10	08/12/10	(S) 1,2,3-benzothiadiazole-7-carboxylic acid
P–10–0258	08/30/10	08/16/10	(G) Sulfonated heteropolycycle
P–10–0259	08/30/10	08/16/10	(G) Sulfonated heteropolycycle
P–10–0285	08/16/10	08/06/10	(S) Benzoic acid, 3-amino-2-mercapto-
P–10–0312	08/18/10	08/05/10	(S) 2,5-furandione, telomer with ethenylbenzene and (1-methylethyl)benzenem imides with polyethylene-polypropylene glycol 2-aminopropyl me ether
P–10–0323	08/23/10	08/06/10	(G) Alkyl methacrylate polymer with branched benzene, alkyl acrylate, hydroxyalkyl methacrylate, methacrylic acid and substituted methacrylate, alkaline metal salt

III. 31 NOTICES OF COMMENCEMENT FROM: 7/30/10 TO 8/31/10—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P–10–0345	08/13/10	07/21/10	(G) Hexanoic acid, 6-[[2-[[5-[[2,7-dihydro-3-methyl-2,7-dioxo-1-(3-sulfobenzoyl)-heteropolycycle-6-yl]amino]-2,4-disulfophenyl]amino]-2-oxoethyl]amino]-, ammonium sodium salt (1:?:?)
P–10–0346	08/13/10	07/21/10	(G) Copper, phthalic anhydride-2,3-pyridinedicarboxylic acid-urea reaction products complexes, aminosulfonylsulfo[[2-[[4-[(2-sulfoethyl)amino]-6-[(4-sulfophenyl)amino]-monoheterocycle-2-yl]amino]ethyl]amino]sulfonyl derivates, sodium salts
P–10–0351	08/27/10	08/16/10	(G) Modified acrylonitrile, butadiene polymer, hydrogenated
P–10–0352	08/23/10	08/02/10	(G) Benzene, isocyanatoalkyl-, polymer with diisocyanatoalkane, polyalkylene glycol alkyl ether-blocked
P–10–0385	08/30/10	08/13/10	(G) Phosphonic acid, *P,P*-[[(4-substitutedl)amino]methylene]bis-,potassium salt (1:1)

List of Subjects

Environmental Protection, Chemicals, Premanufacturer Notices.

Dated: September 16, 2010.

Chandler Sirmons,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2010–23718 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9203–2]

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of the Draft TMDL and request for public review and comment on the Draft TMDL.

SUMMARY: This notice announces the availability of EPA's Draft Chesapeake Bay (Bay) TMDL for nutrients and sediment for public review and comment and announces the information regarding public meetings on the Draft TMDL being held within the watershed. EPA is establishing the Draft TMDL for nutrients (nitrogen and phosphorus) and sediment for each of the 92 segments in the tidal portion of the Chesapeake Bay watershed pursuant to Sections 117(g) and 303(d) of the Clean Water Act (CWA). As such this Draft TMDL will contain at minimum 92 segment specific point (wasteload) and non-point (load) allocations for nitrogen, phosphorous and sediment that will assure the attainment and maintenance of all applicable water quality standards for each of the 92 segments. The Bay TMDL is a key part of the clean water commitment in the Federal Strategy developed as part of Executive Order 13508 on Chesapeake Bay Protection and Restoration. EPA intends to work with federal partners, the six watershed states, the District of Columbia, local governments and other parties to put in place a comprehensive, transparent and accountable set of commitments and actions that together ensure that pollution controls needed to restore Bay water quality are implemented by no later than 2025 (Executive Order, 13508).

To provide information to the public regarding the process, approach and implications of the Draft Bay TMDL, EPA will hold a series of informal public meetings on the dates and locations identified below. The goal of these meetings is to assist the public in their understanding of the Draft Bay TMDL and provide an overview of the TMDL process, especially the stakeholder review and comment process. EPA will verbally respond to as many questions as time permits at these public meetings. Formal comments that any stakeholder wishes to make must be written and submitted as described below and will be entered into the public record. By this notice, EPA is soliciting input from the public on the Draft Bay TMDL. EPA will review all written comments submitted during the public comment period and will consider them, as appropriate, in establishing the Final TMDL. Persons wishing to comment on the information contained in the TMDL are invited to do so in writing from September 24, 2010 to November 8, 2010. All comments must be postmarked no later than November 8, 2010. All comments must be written, include the name, address and telephone number of the commenter, and should be as concise and as specific as possible in order for EPA to develop a meaningful response. Electronic submission of comments as described below is encouraged. Additional information on the Draft Bay TMDL and on the public meetings can be found at *http://www.epa.gov/chesapeakebaytmdl*.

DATES: Comments on the Draft TMDL must be submitted in writing to EPA on or before November 8, 2010.

Viewing: The Draft TMDL can be viewed at *http://www.epa.gov/chesapeakebaytmdl*, EPA's Docket Center (instructions below), in person at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103 with proper arrangements made in advance with the Region 3 library (215–814–5254 or *library-reg3@epa.gov*) or at the EPA Chesapeake Bay Program Office at 410 Severn Avenue Suite 112, Annapolis, MD 21403 (Contact Debbie Embleton 410–267–9856 or *Embleton.debbie@epa.gov*).

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OW–2010–0736, by one of the following methods:

(1) *http://www.regulations.gov*: After entering the docket for this action, click on the Draft Bay TMDL to make a comment. Click the "Submit a Comment" button at the top right of the Web page, then follow the online instructions.

(2) *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

(3) *Hand Delivery:* EPA Docket Center Public Reading Room, EPA Headquarters West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m.), and special arrangements should be made for deliveries of boxed information by contacting the Docket Center at 202–566–1744.

Instructions: Direct your comments to Docket ID No. EPA–R03–OW–2010–0736. This Notice is not open for public

comment, but, beginning September 24, 2010 the Draft Bay TMDL is available for comment on *http://www.regulations.gov*. Additional information about the docket is contained below.

FOR FURTHER INFORMATION CONTACT: For information on the Draft Bay TMDL, please contact Jennifer Sincock, USEPA, Region 3, Water Protection Division (3WP30), 1650 Arch Street, Philadelphia, PA 19103; telephone number: (215) 814–5766; fax number: (215) 814–2318; e-mail: *R3_ChesapeakeBay_TMDL@epa.gov.*

Public Meeting Dates and Locations

- *Wednesday, September 29, 2010:* DC Watershed meeting and webinar from 1 to 3 p.m. at the Washington National Zoo Visitor Center Auditorium, 3001 Connecticut Avenue, NW., Washington, DC.
- *Monday, October 4, 2010:* VA Watershed meeting from 6 to 8 p.m. at the Grafton Theatre, James Madison University, 281 Warren Service Drive, Harrisonburg, VA.
- *Tuesday, October 5, 2010:* VA Watershed meeting from 6 to 8 p.m. at Northern Virginia Community College, Annandale Campus, Ernst Community Cultural Center, 8333 Little River Turnpike, Annandale VA.
- *Wednesday, October 6, 2010:* VA Watershed meeting from 6 to 8 p.m. at the Robins Pavilion Jepson Alumni Center, University of Richmond, 28 Westhampton Way, Richmond, VA.
- *Thursday, October 7, 2010:* VA Watershed webinar from 1 to 3 p.m.
- *Thursday, October 7, 2010:* VA Watershed meeting from 6 to 8 p.m. at the Crowne Plaza Hampton Marina Hotel, 700 Settlers Landing Road, Hampton, VA.
- *Monday, October 11, 2010:* DE Watershed meeting and webinar from 5 to 7 p.m. at the Delaware Tech Owens Campus, Arts and Science Center Theatre, Route 18, Georgetown, DE.
- *Tuesday, October 12, 2010:* MD Watershed meeting from 2 to 4 p.m. at The Easton Club 28449 Clubhouse Drive, Easton, MD.
- *Wednesday, October 13, 2010:* MD Watershed meeting from 2 to 4 p.m. at the Sheraton Annapolis, 173 Jennifer Road, Annapolis, MD.
- *Thursday, October 14, 2010:* MD Watershed meeting and webinar from 2 to 4 p.m. Hagerstown Hotel and Convention Center, 1901 Dual Highway, Hagerstown, MD.
- *Monday, October 18, 2010:* PA Watershed meeting from 2 to 4 p.m. at the Best Western Eden Resort, 222 Eden Road, Lancaster, PA.
- *Tuesday. October 19, 2010:* PA Watershed meeting from 2 to 4 p.m. at the Knights of Columbus, 850 Stratford Drive, State College, PA.
- *Wednesday, October 20, 2010:* PA Watershed meeting and webinar from 2 to 4 p.m. at Lycoming College, The Academic Center Wendle Hall, 700 College Place, Williamsport, PA.
- *Thursday, October 21, 2010:* PA Watershed meeting from 2 to 4 p.m. at Bentley's, 2300 Route 309, Ashley, PA.
- *Tuesday, October 26, 2010:* NY Watershed meeting from 6 to 8 p.m. at the Riverview Holiday Inn, 760 East Water Street, Elmira, NY.
- *Wednesday, October 27, 2010:* NY Watershed meeting and webinar from 2 to 4 p.m. at the Binghamton Regency Hotel, 225 Water Street, Binghamton, NY.
- *Wednesday, November 3, 2010:* WV Watershed meeting from 6 to 8 p.m. at the Comfort Inn, 1872 Edwin Miller Blvd, Martinsburg, WV.
- *Thursday, November 4, 2010:* WV Watershed meeting and webinar from 6 to 8 p.m. at the South Branch Inn, Route 50 East, Romney, WV.
- Please check the Web site *http://www.epa.gov/chesapeakebaytmdl* to confirm the meeting or webinar date and time. Alternately, you may also contact Jennifer Sincock by telephone at (215) 814–5766 or by e-mail at *R3_ChesapeakeBay_TMDL@epa.gov*
- To register for the webinars, please go to the following link and follow the webinar registration instructions, *http://www.epa.gov/chesapeakebaytmdl.* Webinars are open to all interested stakeholders not just residents within the jurisdiction that the webinar is held. Registration is only required to attend the meetings via webinar. Attending the public meetings in person does not require registration.

SUPPLEMENTARY INFORMATION: Section 303(d) of the CWA requires that each state identify those waters within its boundaries for which existing technology-based and other pollution controls required by the CWA are not stringent enough to attain or maintain state water quality standards. A TMDL must be established for each of those "impaired" waters. TMDLs are pollution budgets designed to identify necessary reductions of pollutant loads to the impaired waters so that the appropriate water quality standards are met, including designated uses like fishing or swimming and water quality criteria for parameters such as dissolved oxygen and water clarity.

Why is a TMDL being developed for the Chesapeake Bay? The Chesapeake Bay is a national treasure constituting the largest estuary in the United States and one of the largest and most biologically productive estuaries in the world. Despite significant efforts by federal, state, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing state water quality standards. The pollutants that are largely responsible for impairment of the Chesapeake Bay are nutrients, in the form of nitrogen and phosphorus, and sediment. EPA, in coordination with the Bay watershed jurisdictions of Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia, is establishing a nutrient and sediment pollution budget for the Bay consistent with CWA requirements to guide and assist Chesapeake Bay restoration efforts.

When will the Bay TMDL be completed? The TMDL schedule calls for the completion of the Bay TMDL by December 31, 2010. EPA intends to collect public comments on the Draft TMDL between September 24 and November 8, 2010. EPA will establish the Final TMDL by December 31, 2010.

Who is developing the Bay TMDL? EPA Region III Water Protection Division has assumed primary responsibility for the establishment of the Bay TMDL, at the request of the Bay jurisdictions. The Chesapeake Bay Program Office in EPA Region III has modeling and water quality expertise that is critical to the TMDL development process. EPA Region II also is providing guidance and technical support to Region III and will cosign the final TMDL as New York State is included in the Chesapeake Bay watershed, and sources in New York State (like the other jurisdictions) contribute nutrients and sediment to the Bay. EPA used the Chesapeake Bay Program committee structure to engage the watershed jurisdictions in the development of the TMDL, including the Chesapeake Bay Water Quality Goal Implementation Team (formerly the Water Quality Steering Committee and Nutrient Subcommittee), which is composed of the seven Bay watershed jurisdictions, the Chesapeake Bay Commission, the Susquehanna River Basin Commission, the Interstate Commission on the Potomac River Basin, and EPA Regions II and III. Major policy input has been provided by the Chesapeake Bay Program Principals' Staff Committee (Secretaries from each Bay jurisdiction, the Chesapeake Bay Commission Executive Director, and the EPA Region III Regional Administrator) and Executive Council (Bay watershed State Governors, Mayor of District of

Columbia, the Chesapeake Bay Commission Chair, and the EPA Administrator).

What is the scope of the Bay TMDL? The Bay TMDL addresses all segments of the Chesapeake Bay and its tidal tributaries. The Bay TMDL consists of 92 TMDLs, addressing nitrogen, phosphorus and sediment, for each of the 92 segments in the Bay and tidal tributaries. EPA intends that the Bay TMDL will be established at a level necessary to ensure attainment of water quality standards in each of these segments. In addition, the Bay TMDL assigns individual and (as appropriate) aggregate maximum daily allowable point source and nonpoint source loadings, called wasteload allocations (WLAs) and load allocations (LAs), respectively, across all jurisdictions within the Bay watershed. When completed, the Bay TMDL will be the largest, most complex TMDL in the country, covering a 64,000 square mile area in six states and the District of Columbia.

How will the TMDL promote nitrogen, phosphorus and sediment reductions? Under the CWA, the TMDL will establish the watershed pollution budget for nutrients and sediment necessary to meet water quality standards in the Bay. Other provisions of the CWA, as well as the jurisdictions' Watershed Implementation Plans (WIPs), are intended to implement the TMDL. During TMDL development, EPA worked with its partners, the Bay jurisdictions, to assist them in developing individual jurisdiction-specific WIPs, which collectively serve as part of the overall TMDL implementation framework. Those WIPs are not part of the Bay TMDL itself but are part of the TMDL record and help provide reasonable assurance that the necessary nutrient and sediment reductions identified in the TMDL will be achieved. The WIPs identify specific nutrient and sediment reduction targets by geographic location and sector to achieve allowable loadings, as well as a description and schedule of actions that the jurisdictions will take to achieve these reductions.

In accordance with EO 13508, EPA and the jurisdictions also will provide the next set of two-year milestone commitments specifying what source controls will be taken to reduce nitrogen, phosphorus and sediment during that period. EPA has invited each jurisdiction to present information on its WIP at the meeting(s) and/or webinar(s) within its jurisdiction. At these meetings EPA will be available to answer questions on the TMDL and how the WIPs will inform the TMDL. Any questions or comments regarding the substance of the individual WIPs, or the WIPs themselves should be addressed to the individual jurisdiction. Links to the WIPs are available at *http://www.epa.gov/chesapeakebaytmdl.*

For information on the jurisdictions' Draft WIPs and procedures for submitting comments, please contact the jurisdiction representatives below.

Jurisdiction WIP Contacts

Delaware: Jennifer Volk (*Jennifer.Volk@state.de.us*).

District of Columbia: Monir Chowdhury (*monir.chowdhury@dc.gov*).

Maryland: TMDL Coordinator (*tmdlcoordinator@mde.state.md.us*).

New York: Peter Freehafer (*pbfreeha@gw.dec.state.ny.us*).

Pennsylvania: Patricia Buckley (*ep-chesapeakebayprogram@state.pa.us*).

Virginia: VA Bay TMDL (*vabaytmdl@dcr.virginia.gov*).

West Virginia: Jennifer Pauer (*Jennifer.pauer@wv.gov*).

Paperwork Reduction Act: The Office of Management and Budget (OMB) has previously approved the information collection requirements for developing TMDLs pursuant to Section 303(d) of the CWA under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2040–0071. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

How Can I Access the Docket and/or Submit Comments? Docket: EPA has established a public docket for this Notice under Docket ID No. EPA–R03–OW–2010–0736. The Draft Bay TMDL is available in the docket at *http://www.regulations.gov.* Assistance and tips for accessing the docket can be found at *http://www.epa.gov/chesapeakebaytmdl.*

Comments via e-mail are not being accepted. Instead, comments will be accepted through *http://www.regulations.gov* and by mail. All comments received, including any personal information provided, will be included in the public docket without change and will be made available online at *http://www.regulations.gov*, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov.* It is recommended 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 your comment cannot be read due to technical difficulties and we are unable to contact you for clarification, we will not 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 the public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* Publicly available docket materials are available electronically either at *http://www.regulations.gov* as well as at the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The telephone number for this docket is 202–566–2426. 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. Certain material, such as copyrighted materials, will be publicly available only in hard copy at the Docket Center.

Dated: September 15, 2010.

Jon M. Capacasa,

Water Protection Division, Region III.

[FR Doc. 2010–23678 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0608; FRL–8844–4]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; e-mail address: *mendelsohn.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not

attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0608. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. EUP

EPA has issued the following EUP:

67979–EUP–8. Issuance. Syngenta Seeds, Inc. - Field Crops, P.O. Box 12257, Research Triangle Park, NC 27709. This EUP allows the use of the plant incorporated protectant (PIP) [Event 5307] *Bacillus thuringiensis* eCry3.1Ab protein and the genetic material necessary for its production (vector pSYN12274) in event 5307 corn (SYN–Ø53Ø7–1) and other associated PIPs containing: 1) [Bt11] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material (as contained in plasmid vector pZO1502) necessary for its production in corn, 2) [DAS–59122–7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material (vector PHP 17662) necessary for their production in Event DAS–59122–7 corn, 3) [MIR162] *Bacillus thuringiensis* Vip3Aa20 and the genetic material necessary for its production (vector pNOV1300) in event MIR162 maize (SYN–IR162–4), 4) [MIR604] Modified Cry3A protein and the genetic material necessary for its production (via elements of pZM26) in corn (SYN IR604–8), and 5) [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (vector PHP8999) necessary for its production in Event TC1507 corn. There are 10.213 kilograms (kg) of eCry3.1Ab, 11.14 grams of Cry1Ab, 8,145 grams of Cry34Ab1, 112.1 grams of Cry35Ab1, 280.6 grams of Vip3Aa20, 217.9 grams of mCry3A, and 177.5 grams of Cry1F proteins in 69,473 kg seeds on 7,311 acres (3,830 PIP and 3,481 non-PIP) in 2010 and 7,308 acres (4,240 PIP and 3.068 non-PIP) in 2011 of corn for efficacy evaluation and regulatory studies trial. The program is authorized only in the States of Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Puerto Rico, South Carolina, South Dakota, Texas, Washington, and Wisconsin. The EUP is effective from June 1, 2010 to February 28, 2012.

Three comments were received in the docket from individuals who submitted anonymous comments objecting in general terms to EPA's granting of pesticide EUPs, as well as to this EUP in particular. EPA understands that some individual are opposed to pesticide use. Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA may issue a permit for experimental use of a pesticide if the Agency determines that such experimental use may be conducted in such a manner as to not result in unreasonable adverse effects on the environment. EPA has conducted a comprehensive analysis of data and information related to the requested experimental uses and, based on that analysis, EPA has determined that the experimental uses, if conducted in accordance with the terms of the permit, will not result in unreasonable adverse effects on the environment.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection, Experimental use permits.

Dated: September 15, 2010.

W. Michael McDavit,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2010–23720 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9204–4]

Science Advisory Board Staff Office; Notification of a Public Meeting of the SAB Dioxin Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public meeting of the SAB Dioxin Review Panel to continue its review of *EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments,* External Review Draft.

DATES: The meeting dates are Wednesday, October 27, 2010 from 9 a.m. to 5 p.m., Thursday, October 28, 2010 from 8:30 a.m. to 5 p.m. and Friday, October 29, 2010 from 8:30 a.m. to 3 p.m. (Eastern Daylight Time).

ADDRESSES: The meeting will be held at the Park Hyatt Washington Hotel, 1201 24th Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this meeting may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail at (202) 564–2155 or via e-mail at *armitage.thomas@epa.gov*. General information about the SAB as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab*.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Dioxin Review Panel will hold a public meeting to continue its peer review of *EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments,* External Review Draft (May 2010). The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background: The SAB Dioxin Review Panel previously held a teleconference on June 24, 2010 and a face-to-face meeting on July 13–15, 2010 to receive EPA briefings and initiate its review of *EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments* External Review Draft (May 2010) [**Federal Register** Notice dated May 24, 2010 (75 FR 28805–28806)]. Specifically, the Panel has been asked to evaluate the transparency and clarity in the selection of key data sets for dose-response analysis; the use of toxicokinetics in dose-response modeling for cancer and non-cancer

endpoints; the derivation of the chronic reference dose; cancer assessment; and EPA's comments regarding the feasibility of the quantitative uncertainty analysis from the NAS evaluation of the 2003 reassessment. At the October 27–29, 2010 meeting the SAB Panel will continue its peer review of EPA's draft document. Background information on this advisory activity is available on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Dioxin%20Reasst%20-%202008-2011?OpenDocument.*

Availability of Meeting Materials: The meeting agenda and other meeting material will be placed on the SAB Web site at *http://www.epa.gov/sab* in advance of the meeting. For technical questions and information concerning EPA's draft document, please contact Dr. Glenn Rice at (513) 569–7813 or *rice.glenn@epa.gov*.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. *Oral Statements:* In general, individuals requesting an oral presentation at a public meeting will be limited to five minutes per speaker. Each person making an oral statement should consider providing written comments so that the points presented orally can be expanded upon in writing. Interested individuals should contact Dr. Thomas Armitage, DFO, in writing (preferably via e-mail) at the contact information noted above, by Wednesday, October 20, 2010 to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via email at the contact information noted above, by Wednesday, October 20, 2010 so that the information may be made available to the Panel members for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format. Submitters are requested to provide versions of signed documents, submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Thomas Armitage at (202) 564–2155 or *armitage.thomas@epa.gov*. To request accommodation of a disability, please contact Dr. Armitage preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: September 9, 2010.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010–23688 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0639; FRL–8843–4]

2-(Hydroxymethyl)-2-nitro-1,3-propanediol (Tris Nitro); Order to Amend Registrations to Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the amendment to terminate certain uses, voluntarily requested by the registrant and accepted by the Agency, of the pesticide products listed in Table 1, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This order to terminate uses follows a June 23, 2010 **Federal Register** Notice of Receipt of Request from the Registrant listed in Table 2 to voluntarily amend 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) product registrations to terminate or delete one or more uses. The request would delete use in or on metalworking fluids; latex paints; resin/latex/polymer emulsions; specialty industrial products; livestock and poultry premises; paints, emulsions and thickener solutions; use as a preservative for packaged emulsions, solutions, or suspensions such as detergents and polishes containing water; and use in pulp and paper-mill process water systems. The request would not terminate the last 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) products registered for use in the United States and would result in retention of some registered uses for those products. In the June 23, 2010 Notice, EPA indicated that it would issue an order implementing the amendments to terminate uses, unless the Agency received substantive comments within the 30–day comment period that would merit its further review of these requests, or unless the registrant withdrew the requests within this period. The Agency did not receive any comments on the notice. Further, the registrant did not withdraw the requests. Accordingly, EPA hereby issues in this notice, an order granting the requested amendment to terminate uses. Any distribution, sale, or use of the products subject to this order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The order is effective September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Rebecca Vondem-Hagen, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6785; e-mail address: *vondem-hagen.rebecca@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0639. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday

through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

This notice announces the order for the amendment to terminate uses, as requested by the registrant, of certain products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—2-(HYDROXYMETHYL)-2-NITRO-1,3-PROPANEDIOL (TRIS NITRO) PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration Number	Product Name	Company	Uses to be Terminated
464–657	Tris Nitro™ Solid Industrial Bacteriostat	The Dow Chemical Company	Use in metalworking fluids; Latex paints, Resin/latex/polymer emulsions; Specialty industrial products; Livestock and Poultry premises.
464–658	Tris Nitro™ Brand of 50% (Aqueous) For Formulating Use	The Dow Chemical Company	Use in metalworking fluids; Latex paints; Resin/latex/polymer emulsions; Specialty industrial products; Livestock and poultry premises.
464–663	Tris Nitro™ Brand of 50% Aqueous Tris (hydroxymethyl) nitromethane	The Dow Chemical Company	Use in paints, emulsions and thickener solutions; use in metalworking fluids; Use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water.
464–668	Tris Nitro™ Brand of 25% Aqueous Tris (hydroxymethyl) nitromethane	The Dow Chemical Company	Use in metalworking fluids; use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water.
464–679	Tris Nitro™ Brand	The Dow Chemical Company	Use in paints, emulsions, and thickener solutions; use in metalworking fluids; use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water; use in pulp and papermill process water systems.

Table 2 of this unit includes the name and address of record for the registrant of the products in Table 1 of this unit.

TABLE 2.—REGISTRANTS OF AMENDED PRODUCTS

EPA Company Number	Company Name and Address
464	The Dow Chemical Company 1803 Building Midland, MI 48674

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the **Federal Register** notice of June 23, 2010 (75 FR 35807) announcing the Agency's receipt of the request to voluntarily amend registrations to terminate certain uses of products listed in Table 1.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendment to terminate certain uses of 2-(Hyroxymethyl)-2-nitro-1,3-propanediol (Tris Nitro) registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the product registrations identified in Table 1 of Unit II. are hereby amended to terminate the affected uses. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing Stocks set forth in Unit VI., will be considered a violation of FIFRA.

V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

Once EPA has approved product labels reflecting the requested amendments to delete uses, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the order to terminate uses, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the deleted uses identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the products in Table 1, whose labels include the deleted uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with

the terms of the previously approved labeling on, or that accompanied, products bearing the deleted uses.

List of Subjects

Environmental protection, Antimicrobials, Pesticides and pests, 2-(hydroxymethyl)-2-nitro-1,3-propanediol, Tris Nitro.

September 14, 2010.

Joan Harrigan Farrelly,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2010–23544 Filed 9–21–10; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0760; FRL–8844–9]

Clofencet; Registration Review Case Closure; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's notice of registration review case closure for the pesticide clofencet, case 7015. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without causing unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

FOR FURTHER INFORMATION CONTACT: *For pesticide-specific information, contact*: Wilhelmena Livingston, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8025; fax number: (703) 308–8005; e-mail address: *livingston.wilhelmena@epa.gov*.

For general information on the registration review program, contact: Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5026; fax number: (703) 308–8090; e-mail address: *costello.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the pesticide-specific contact person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2009–0760. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. Background

A. What Action is the Agency Taking?

On July 14, 2010 the Agency issued a product cancellation order (75 FR 40825; FRL–8833–4) for all clofencet product registrations. Due to the cancellation of all registered clofencet products in the United States, the Agency closed the registration review case for clofencet, pursuant to 40 CFR 155.42(c). This notice announces the availability of EPA's Notice of Registration Review Case Closure for clofencet, case 0715.

In addition to the registration review case closure document, the registration review docket for clofencet also includes other relevant documents related to the registration review of this case. The Notice of Receipt of a Request to Voluntarily Cancel Certain Pesticide Registrations was issued on April 28, 2010, and the public was invited to submit any comments or new information. During the 30–day comment period, no public comments were received which impacted the Agency's decision to grant the cancellation request. Subsequently, on July 14, 2010, the Agency published the Cancellation Order for all clofencet product registrations in the **Federal Register** (75 FR 40825).

Background on the registration review program is provided at: *http://www.epa.gov/oppsrrd1/registration_review*. Links to earlier documents related to the registration review of this pesticide are provided at: *http://www.epa.gov/oppsrrd1/registration_review/clofencet/index.html*.

B. What is the Agency's Authority for Taking this Action?

Section 3(g) of FIFRA and 40 CFR part 155, subpart C, provide authority for this action.

List of Subjects

Environmental protection, Registration review, Pesticides and pests, clofencet.

Dated: September 13, 2010

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–23542 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0734; FRL–8845–2]

Registration Review; Pesticide Dockets Opened for Review and Comment; Amended Work Plan for Imidacloprid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on

current scientific and other knowledge, including its effects on human health and the environment. This document also announces the Agency's intent not to open a registration review docket for the pesticide active ingredients maneb, mitin FF, and urea. These pesticides do not currently have any actively registered pesticide products and are not, therefore, subject to review under the registration review program. EPA is also announcing that the docket for formetanate hydrochloride, which was planned for September 2010, has been delayed until December 2010.

In addition, EPA is announcing the availability of an amended final work plan for the registration review of the pesticide imidacloprid; this workplan has been amended to incorporate revisions to the data requirements.

DATES: Comments must be received on or before November 22, 2010.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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.

Instructions: Direct your comments to the docket ID numbers listed in the table in Unit III.A. for the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either 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 hours of operation of this Docket Facility are 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: *For pesticide specific information contact*: The Chemical Review Manager identified in the table in Unit III.A. for the pesticide of interest.

For general information contact: Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5026; fax number: (703) 308–8090; e-mail address: *costello.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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. What Should I Consider as I Prepare My Comments for EPA?

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

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

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

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

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

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

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

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

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

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

3. *Environmental justice*. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or

low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What Action is the Agency Taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table. The docket opening for formetanate hydrochloride, which was planned for September 2010, has been postponed until December 2010.

TABLE 1—REGISTRATION REVIEW DOCKETS OPENING

Registration Review Case Name and Number	Docket ID Number	Chemical Review Manager, Telephone Number, E-mail Address
Carbaryl (0080)	EPA–HQ–OPP–2010–0230	Jacqueline Guerry, (215) 814–2184, *guerry.jacqueline@epa.gov*
Copper Sulfate (0636)	EPA–HQ–OPP–2010–0212	Kaitlin Keller, (703) 308–8172, *keller.kaitlin@epa.gov*
Copper Compounds, Group II (0649)	EPA–HQ–OPP–2010–0212	Kaitlin Keller, (703) 308–8172, *keller.kaitlin@epa.gov*
Copper Salts (4026)	EPA–HQ–OPP–2010–0212	Kaitlin Keller, (703) 308–8172, *keller.kaitlin@epa.gov*
Copper oxide (4025)	EPA–HQ–OPP–2010–0212	Rebecca von dem Hagen, (703) 305–6785,*vondem-hagen@epa.gov*
Cyfluthrins (7405)	EPA–HQ–OPP–2010–0684	Yan Donovan, (703) 605–0194, *donovan.yan@epa.gov*
Fluoroacetic acid derivatives (3073)	EPA–HQ–OPP–2010–0753	K. Avivah Jakob, (703) 305–1328; *jakob.kathryn@epa.gov*
d-Limonene (3083)	EPA–HQ–OPP–2010–0673	Rusty Wasem, (703) 305–6979, *wasem.russell@epa.gov*
Methomyl (0028)	EPA–HQ–OPP–2010–0751	Yan Donovan, (703) 605–0194, *donovan.yan@epa.gov*
Oxamyl (0253)	EPA–HQ–OPP–2010–0028	Eric Miederhoff, (703) 347–8028,*miederhoff.eric@epa.gov*
Pyridaben (7417)	EPA–HQ–OPP–2010–0214	Carissa Cyran, (703) 347–8781, *cyran.carissa@epa.gov*
Sodium cyanide (8002)	EPA–HQ–OPP–2010–0752	K. Avivah Jakob, (703) 305–1328; *jakob.kathryn@epa.gov*

EPA is also announcing that it will not be opening a docket or taking public comments for maneb, Mitin FF, or urea because these pesticides are not included in any products actively registered under FIFRA section 3. The last pesticide product registered in the US containing maneb was canceled on April 16, 2010 (75 FR 19967), and EPA proposed revocation of all maneb tolerances on May 26, 2010 (75 FR 29475). The last pesticide product containing Mitin FF was canceled on July 28, 2010 (75 FR 44240). The sole pesticide product registered in the United States containing urea was cancelled on September 3, 2010 (75 FR

54147). There are no pesticide tolerances for Mitin FF or urea.

TABLE 2—PESTICIDES NOT SUBJECT TO REGISTRATION REVIEW

Name of Pesticide	Chemical Review Manager, Telephone Number, E-mail Address	Date of Cancellation
Maneb	Christina Scheltema, (703) 308–2201,*scheltema.christina@epa.gov*	April 16, 2010
Mitin FF	Kaitlin Keller, (703) 308–8172,*keller.kaitlin@epa.gov*	July 28, 2010
Urea	Andrea Carone, (703) 308–0122,*carone.andrea@epa.gov*	September 3, 2010

Last, EPA is announcing the availability of an amended final work plan for the registration review of imidacloprid. The work plan was revised to incorporate changes to the data requirements for registration review. The revised work plan requires a 2–year field residue study analyzing 5 commodities for pesticide residues in nectar and pollen, rather than the repeat dose field study for pollinators that was originally required. The imidacloprid work plan may be found in registration review docket EPA–HQ–OPP–2008–0844, which is available on-line at http://regulations.gov.

B. Docket Content

1. *Review dockets*. The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

• An overview of the registration review case status.

• A list of current product registrations and registrants.

• **Federal Register** notices regarding any pending registration actions.

• **Federal Register** notices regarding current or pending tolerances.

• Risk assessments.

• Bibliographies concerning current registrations.

• Summaries of incident data.

• Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information*. More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's website at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm*. Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review*.

3. *Information submission requirements*. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

• To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

• The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

• Submitters must clearly identify the source of any submitted data or information.

• Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 9, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Program.

[FR Doc. 2010–23322 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0117; FRL–8841–8]

Notice of Receipt of Request to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by a registrant to voluntarily cancel certain pesticide registrations. EPA intends to grant this request at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws its request. If this request is granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been canceled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before October 22, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2010–0117, 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.

Submit written withdrawal request by mail to: Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. Attention: K. Avivah Jakob.

• *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.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2010–0117. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either 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 hours of operation of this Docket Facility are 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: K. Avivah Jakob, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–1328; e-mail address: *jakob.kathryn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

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

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

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

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

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

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

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

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

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

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

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of a request from a registrant to cancel five pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the request or the registrant withdraws their request, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
7969-78	BASAGRAN® M-60 Herbicide	Bentazon
7969-122	BASAGRAN® DF Herbicide	Bentazon
51036-363	PROMPT® 5L Herbicide	Bentazon
51036-415	LADDOCK® 5L Herbicide	Bentazon
51036-421	BASAGRAN® AG	Bentazon

Table 2 of this unit includes the name and address of record for the registrant of the products in Table 1 of this unit. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
7969 51036	BASF Corporation 26 Davis Dr. P.O. Box 13528 Research Triangle Park, NC 27709–3528

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30–day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180–day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrant in Table 2 of Unit II. has requested that EPA waive the 180–day comment period. Accordingly, EPA will provide a 30–day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

September 13, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–23413 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0332; FRL–8846–2]

Methyl Parathion; Notice of Receipt of Request to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of a request by the registrant to voluntarily cancel their section 24(c) Special Local Needs (SLN) registrations of certain products containing the pesticide methyl parathion. The request would delete methyl parathion use in or on sweet potatoes, walnuts, and yams. The request would terminate the last methyl parathion products registered for use in the United States. EPA intends to grant this request at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws its request. If this request is granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been canceled only if the sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before October 22, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID)

number EPA–HQ–OPP–2009–0332, 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's telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2009–0332. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, 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, 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 hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility's telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kelly Ballard, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–8126; fax number: (703) 305–5290; e-mail address: *ballard.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry, pesticide users, and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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. What should I consider as I prepare my comments for EPA?

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

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

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

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

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

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

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

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

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

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

II. Background on the Receipt of Requests To Cancel and/or Amend Registrations To Delete Uses

This notice announces receipt by EPA of a request from the registrant, United Phosphorus, Inc., to cancel certain methyl parathion product registrations. Methyl parathion is a restricted use organophosphate insecticide and acaricide. In a letter dated August 6, 2010, United Phosphorus, Inc., requested EPA to cancel certain pesticide product registrations identified in Table 1 of Unit III. Specifically, the registrant requested voluntary cancellation of all section 24(c) SLN registrations for methyl parathion. This cancellation request is directly related to the Memorandum of Agreement (MOA) signed on March 29, 2010, between Cheminova A/S, Cheminova, Inc., United Phosphorus, Inc., and the Agency. In this MOA, the registrants agreed to voluntarily cancel all methyl parathion product registrations including the parent product for these SLNs. The Agency previously issued a cancellation order for the parent products containing methyl parathion on July 27, 2010 (75 FR 43981). This action on the registrant's request will terminate the last methyl parathion products registered in the United States.

III. What action is the agency taking?

This notice announces receipt by EPA of a request from a registrant to cancel certain methyl parathion product registrations. The affected products and the registrant making the request are identified in Tables 1 and 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order canceling the affected registrations.

TABLE 1—METHYL PARATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Company
AL–000001	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.
AR–000006	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.
CA–000001	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.
LA–090005	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.
MS–000009	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.
TX–990012	Penncap-M Microencapsulated Insecticide	United Phosphorus, Inc.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA company No.	Company name and address
70506	United Phosphorus, Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406.

IV. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The methyl parathion registrant has requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

V. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use deletion should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the request for voluntary cancellation is granted, the Agency intends to publish the cancellation order in the **Federal Register**.

As specified in the MOA, registrants are prohibited from selling and distributing end-use products as of December 31, 2012. Persons other than the registrants are permitted to sell or distribute end-use products prior to August 31, 2013. All sales and distributions of end-use products shall be prohibited as of August 31, 2013, except for exports consistent with section 17 of FIFRA or for proper disposal. Additionally, all use of existing stocks of the end-use products shall be prohibited as of December 31, 2013.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 15, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–23722 Filed 9–21–10; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

September 16, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control

number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page http://reginfo.gov/public/do/PRAMain, (2) look for the section of the web page called "Currently Under Review", (3) click on the downward–pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information or copies of the information collection(s), contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1140.

Title: Requests for Waiver of Various Petitioners to Allow the Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, local or tribal government.

Number of Respondents and Responses: 50 respondents; 50 responses.

Estimated Time per Response: 1 hour to 200 hours.

Frequency of Response: On occasion and one–time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 154(i), 301 303, 332 and 337.

Total Annual Burden: 18,250 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) during this comment period to obtain the full three year clearance from them. There is no change in the Commission's reporting requirements. There is no change in the Commission's burden estimates.

The Commission sought emergency clearance for this information collection on June 1, 2010. Emergency OMB approvals are only granted for six months. The Commission received OMB approval for the emergency request on June 17, 2010. The Commission is now renewing the OMB approval for this information collection.

FCC 10–79, PS Docket No. 06–229, the Commission grants, with conditions, 21 waiver petitions filed by public safety entities (Petitioners) seeking early deployment of statewide or local public safety broadband networks in the 700 MHz spectrum. This waiver serves the public interest by allowing state and local jurisdictions to begin broadband deployment and speed services to the public safety community. This will also allow the Petitioners to take advantage of available or potential funding, either through grants or planned budgetary expenditures, as well as to take advantage of economies of scale and other cost saving measures for deployments that are already planned. In addition, Petitioners could benefit from the announced plans of some commercial carriers to begin construction of LTE–based networks this year and early next year, which would result in significant cost–savings.

One of the conditions for such waiver is submission of interoperability plans to the Commission's Emergency Response Interoperability Center (ERIC). The Commission recently decided to establish ERIC to promote appropriate technical requirements that will ensure interoperability for these early deployments from their inception, as well as for any future deployed networks. Given the rapidly evolving nature of 3GPP deployments and standards, submission of the Petitioners' interoperability plans will help ensure interoperability and roaming among these early deployments. See the June 30, 2010 notice that was published at 75 FR 37800 for more details on the various requirements for state, local or tribal government.

This information will be used by FCC staff to facilitate deployment of state and local public safety broadband networks as an initial step towards development of a nationwide, interoperable public safety broadband network. Accurate recordkeeping of this data is vital in developing the regulatory framework for this network. Since such a network is vital for public safety and homeland security, its proper operation must be assured.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23605 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 17, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that

does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0798.

Title: FCC Application for Radio Service Authorization: Wireless Telecommunications Bureau and the Public Safety Homeland Security Bureau.

Form No.: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households, business or other for–profit, not–for–profit institutions, and state, local or tribal government.

Number of Respondents and Responses: 253,120 respondents; 253,120 responses.

Estimated Time Per Response: 1.25 hours.

Frequency of Response: On occasion and every 10 year reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 152, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, and 535.

Total Annual Burden: 221,780 hours.

Total Annual Cost: $55,410,000.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality. On a case–by–case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this revised information collection to the Office of Management and Budget (OMB) after this comment period to obtain OMB's approval. There is no change in the Commission's burden estimates.

The Commission is revising this collection to request OMB approval of a certification and/or showing of compliance of narrowband equivalency as an attachment and correcting chief financial officers in Schedule B of the FCC Form 601.

FCC Form 601 is a consolidated, multi–part application form, or "long form", that is used for general market–based licensing and site–by–site licensing for wireless telecommunications and public safety services filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains the administrative information and a series of schedules used for filing technical and other information. Respondents are encouraged to submit the FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant is the winning bidder in a spectrum auction.

The data collected on FCC Form 601 include the FCC Registration Number (FRN), which serves as a "common link" for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires that those entities filing with the Commission use a FRN.

FCC Form 601 is being used for auctionable services as they are implemented. FCC Form 601 is used to apply for a new authorization, or to amend a pending application for an authorization to operate a license wireless radio service. This include Public Mobile Services, Personal Communications Services, General Wireless Communications Services, Private Land Mobile Radio Services, Broadcast Auxiliary Services, Fixed Microwave Services, Instructional Television Fixed Service (ITFS), and the Multipoint Distribution Service (MDS), Maritime Services (excluding ships), and Aviation Services (excluding aircraft). It may also be used to modify or renew an existing license, cancel a license, withdraw a pending application, obtain a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority (STA) or a Developmental License.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23704 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

September 17, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–

395–5167 or via email to Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov and Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Cathy Williams on (202) 418–2918.

SUPPLEMENTARY INFORMATION: OMB Control No.: 3060–1059.

Title: Global Mobile Personal Communications by Satellite (GMPCS)/E911 Call Centers.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit.

Number of Respondents and Responses: 25 respondents; 25 responses.

Estimated Time Per Response: 1 hour.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 USC 154, 301, 302, 303, 307, 309 and 332.

Total Annual Burden: 25 hours.

Annual Cost Burden: $7,500.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: This collection will be submitted as an extension after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance from them. The information collection requirements under this OMB control number (3060–1059) are used by the Commission under its authority to license commercial satellite services in the United States pursuant to 47 CFR Part 25. Additionally, the Commission has the authority to ensure that Mobile Satellite Service (MSS) providers establish and maintain Emergency Call Center Service pursuant to 47 CFR 25.284. The recordkeeping and reporting requirements include data on MSS call center usage such as the aggregate number of calls that the call centers receive and the number of calls that required forwarding to a local Public Safety Answering Point (PSAP). The Commission uses this data to monitor compliance with the call center requirement and track usage trends. Such information is useful to the Commission in considering whether FCC rules require modification to accommodate the changing market. Without this collection of information that result from these rules, the Commission would not be able to monitor the MSS carriers' establishment of call centers which are essential to provide emergency services, such as handling emergency 911 telephone calls from American citizens.

OMB Control Number: 3060–0669.

Title: Section 76.946, Advertising of Rates.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for–profit entities.

Number of Respondents and Responses: 8,250 respondents; 8,250 responses.

Estimated Time per Response: 30 minutes (0.5 hours).

Frequency of Response: On occasion reporting requirements; Third party disclosure requirement.

Total Annual Burden to Respondents: 4,125 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 4(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: Confidentiality is not required for this collection of information.

Privacy Impact Assessment: No impact(s)

Needs and Uses: Section 76.946 states that cable operators that advertise for basic service and cable programming service tiers shall be required to advertise rates that include all costs and fees. Cable systems that cover multiple franchise areas having differing franchise fees or other franchise costs, different channel line–ups, or different rate structures, may advertise a complete range of fees without specific identification of the rate for each individual area. In such circumstances, the operator may advertise a "fee plus" rate that indicates the core rate plus the range of possible additions, depending upon the particular location of the subscriber. The Commission has set forth this disclosure requirement to ensure consumer awareness of all fees associated with basic service and cable programming service tier rates.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23703 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

September 17, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before [November 22, 2010]. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0698.

Title: Sections 25.203(i) and 73.1030(a)(2), Radio Astronomy Coordination Zone in Puerto Rico.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit, not–for–profit institutions and state, local or tribal government.

Number of Respondents and Responses: 200 respondents, 200 responses.

Estimated Time Per Response: .667 hours (40 minutes).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i), 303(c), 303(f), 303(g), 303(r), and 309(j)(13).

Total Annual Burden: 142 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the three year clearance from them. There is no change in the reporting and/or third party disclosure requirements. There is no change in the Commission's burden estimates.

On October 15, 1997, the FCC adopted and released a Report and Order, ET Docket No. 96–2, FCC 97–347, that established a Coordination Zone for new and modified radio facilities in various communications services that cover the islands of Puerto Rico, Desecheo, Mona, Vieques, and Culebra within the Commonwealth of Puerto Rico. The coordination zone and notification procedures enable the Arecibo Radio Astronomy Observatory to receive information needed to assess whether an applicant's proposed operations will cause harmful interference to the Arecibo Observatory's operations, which also promotes efficient resolution of coordination problems between the applicants and the Arecibo Observatory. The Observatory will perform interference evaluations at no cost to the applicants. If potential interference problems are identified, applicants are required to make reasonable attempts to resolve or mitigate such problems in order to protect the Observatory.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23702 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

September 16, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page http://reginfo.gov/public/do/PRAMain, (2) look for the section of the web page called "Currently Under Review", (3) click on the downward–pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information or copies of the information collection(s), contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0779.

Title: Sections 90.20(a)(1)(iii), 90.769, 90.767, 90.763(b)(l)(i)(a), 90.763(b)(l)(i)(B), 90.771(b) and 90.743, Rules to Provide for Use of the 220 MHz Band by the Private Land Mobile Radio Service (PLMRS).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit, not–for–profit institutions and state, local or tribal government.

Number of Respondents and Responses: 2,313 respondents; 2,313 responses.

Estimated Time per Response: 2 hours to 20 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i), 303(g), 303(r), and 332(a).

Total Annual Burden: 23,433 hours.

Total Annual Cost: $430,600.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) during this comment period to obtain the three year clearance

from them. There is no change in the Commission's reporting and/or third party disclosure requirements. There is no change in the Commission's burden estimates.

This collection includes rules to govern the future operation and licensing of the 220–222 MHz band (220 MHz service). In establishing this licensing plan, FCC's goal is to establish a flexible regulatory framework that allows for efficient licensing of the 220 MHz service, eliminates unnecessary regulatory burdens, and enhances the competitive potential of the 220 MHz service in the mobile service marketplace. However, as with any licensing and operational plan for a radio service, a certain number of regulatory and information burdens are necessary to verify licensee compliance with FCC rules.

The information collection burdens under this OMB control number consists of documentation burden for two emergency medical use (EMRS) applicants; supporting documentation from governmental entities with EMRS jurisdiction; construction benchmark documentation for 2 nationwide, Phase II land mobile or paging system licensees (5 and 10 years after initial grant); construction benchmark documentation for EA and Regional Phase II land Mobile or paging system licensees (5 and 10 years after initial license grant); technical analysis burden on EA and Regional licensees; consent obtained by EA and Regional licensees to locate stations less than required distance from Phase I licensees' stations; coordination among EA and Regional licensees to exceed established field strength; and license renewal documentation.

The various reporting and verification requirements and the requirement that licensees coordinate and provide written consent, concurrence or agreement with other licensees, will be used by the Commission to verify licensee compliance with Commission rules and regulations and to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information has been used in the past and will continue to be used to minimize interference, verify that applicants are legally, technically, and financially qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23608 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review and Approval to the Office of Management and Budget (OMB), Comments Requested

September 16, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before October 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via e-mail to PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page http://reginfo.gov/public/do/PRAMain, (2) look for the section of the web page called "Currently Under Review", (3) click on the downward–pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information or copies of the information collection(s), contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0975.

Title: Sections 68.3 and 1.4000, Promotion of Competitive Networks in the Local Telecommunications Markets Multiple Tenant Environments (MTEs).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit, not–for–profit institutions, federal government, and state, local or tribal government.

Number of Respondents and Responses: 5,874 respondents, 5,874 responses.

Estimated Time per Response: .5 hours to 10 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 CFR 151 et seq.

Total Annual Burden: 194,284 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection during this comment period to obtain the full three year clearance from the Office of Management and Budget (OMB). The Commission is submitting this information collection

as an extension (no change in the reporting and third party disclosure requirements. The Commission is reporting a 21,598 hour adjustment decrease which is due to fewer respondents.

This information collection involves information regarding the location of the demarcation point, antennas placed on subscriber premises, and the state of the market. The demarcation point burden consists of two components: (1) The local exchange carrier (LEC) shall make available information on the location of the demarcation point within ten business days of a request from the premises owner (location information); and (2) at the time of installation, the LEC shall fully inform the premises owner of its options and rights regarding the placement of the demarcation point or points (options information).

The Over–the–Air Reception Devices (OTARDS) portion of this information collection as a condition of invoking protection under 47 CFR 1.4000 from government, landlord, and association restrictions, a licensee must ensure that subscriber antennas are labeled to give notice of potential radio frequency safety hazards of these antennas. Labeling information (third party disclosure requirement) should include minimum separation distances required between users and radiating antennas to meet the Commission's radio frequency exposure guidelines. Labels should also include reference to the Commission's applicable radio frequency exposure guidelines and should use the ANSI–specified warning symbol for radio frequency exposure. In addition, the instruction manuals and other information accompanying subscriber transceivers should include a full explanation of the labels, as well as a reference to the applicable Commission radiofrequency exposure guidelines.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23607 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 16, 2010.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 – 3520. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 22, 2010. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via the Internet at Nicholas_A._Fraser@omb.eop.gov and to the Federal Communications Commission via email to PRA@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214. For additional information, contact Judith B. Herman, OMD, 202–418–0214 or email judith–b.herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0741.

Title: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96–98, Second Report and Order and Memorandum Opinion and Order; Second Order on Reconsideration; CC Docket No. 99–273, First Report and Order.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for–profit.

Number of Respondents and Responses: 5,907 respondents; 573,767 responses.

Estimated Time Per Response: 1 hour to 547,500 hours.

Frequency of Response: On occasion, annual and one time reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151, 153, 154, 201, 222, and 251.

Total Annual Burden: 575,448 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. As previously noted, however, each ILEC is to provide public notice of proposed network changes. If the ILEC claims that information that they are required to disclose is confidential or proprietary, the ILEC's public notice must include a statement that the ILEC will make further information available to those signing a nondisclosure agreement.

Upon receipt by an ILEC of a competing service provider's request for disclosure of confidential or proprietary information, the applicable public notice period will be tolled until the parties agree on the terms of a nondisclosure agreement. See 47 CFR 51.335.

Needs and Uses: The Commission will submit this expiring information collection after this comment period to obtain the three year clearance from the Office of Management and Budget (OMB). There is no change to the reporting, recordkeeping and/or third arty disclosure requirements. However, the Commission is reporting a significant increase in the number of responses and total annual burden hours. This increase is because the Commission believes that LECs now generally provide not only one transfer of information but daily updates in response to the requests they may receive for directory assistance and DA listings. While this increases the number of times that LECs are providing the DA information, it is understood that this is a generally an automated process, so the costs and time involved with all of these responses should be relatively small. As a result, this submission will show that the overall cost for compliance with these

requirements has decreased at the same time that the estimate for the number of responses has increased.

Section 251 of the Telecommunications Act of 1996 is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. The Commission adopted rules and regulations designed to implement certain provisions of section 251, and to eliminate operational barriers to competition in the telecommunications services marketplace.

The current information collection requirements are: 1) sharing directory listing; 2) notification regarding format; 3) provision of technical information; 4) public notice of network changes; 5) burden of proof; 6) submission of notice to serve as central office administrator; 7) subscriber list information for Internet directories; 8) provision of nondiscriminatory access to non–local director assistance listings; and 9) listing information to non–telephone exchange or toll service directory assistance providers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary,

Office of the Secretary,

Office of Managing Director.

[FR Doc. 2010–23606 Filed 9–21–10; 8:45 am]

BILLING CODE 6712–01–S

FEDERAL LABOR RELATIONS AUTHORITY

Membership of the Federal Labor Relations Authority's Senior Executive Service Performance Review Board

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given of the members of the Performance Review Board

DATES: September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Sonna Stampone, Executive Director, Federal Labor Relations Authority (FLRA); 1400 K Street, NW.; Washington, DC 20424–0001; (202) 218–7941.

SUPPLEMENTARY INFORMATION: Section 4314(c) of Title 5, U.S.C. (as amended by the Civil Service Reform Act of 1978) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards (PRB). Section 4314(c)(4) requires that notice of appointment of the PRB be published in the **Federal Register**.

As required by 5 CFR 430.310, the following executives have been appointed to serve on the 2009–2011 PRB for the FLRA, beginning September 2010 through September 2012:

Susan McCluskey, Chief Counsel for the Chairman, Federal Labor Relations Authority;

Sonna Stampone, Executive Director, Federal Labor Relations Authority;

Dennis P. Walsh, Deputy General Counsel, Federal Labor Relations Authority;

James E. Petrucci, Director, Dallas Regional Office, Federal Labor Relations Authority;

H. Joseph Schimansky, Executive Director, Federal Service Impasses Panel, Federal Labor Relations Authority.

Authority: 5 U.S.C. 4134(c)(4).

Dated: September 17, 2010.

Sonna Stampone,

Executive Director.

[FR Doc. 2010–23672 Filed 9–21–10; 8:45 am]

BILLING CODE 6727–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 15, 2010.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. BancFirst Corporation, Oklahoma City, Oklahoma; to acquire 100 percent of the voting shares of Exchange Bancshares of Moore, Inc., and thereby acquire shares of Exchange National Bank, both in Moore, Oklahoma.

2. Everest Bancshares, Everest, Kansas; to acquire 100 percent of the voting shares of Bancshares of McLouth, Inc., and therby acquire shares of Bank of McLouth, both in McLouth, Kansas.

Board of Governors of the Federal Reserve System, September 17, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–23659 Filed 9–21–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 14, 2010.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. GLAASS Financial, LLC; to become a bank holding company through the acquisition of 36.4 percent of the voting shares of EMSWATER Financial, LLC, both in Exeter, Nebraska, which has also applied to become a bank holding company by acquiring First National Bank in Exter, Exeter, Nebraska. In connection with this application, Applicants also have applied to acquire First National Insurance Agency, Inc., Nebraska, and thereby engage in the sale of insurance in a town of less than 5,000 in population pursuant to section 225.28(b)(11)(A) of Regulation Y.

Board of Governors of the Federal Reserve System, September 17, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–23660 Filed 9–21–10; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuance

Notice is hereby given that the following Ocean Transportation Intermediary license has been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
021354N	Jaemar International Inc., 1077 Grogans Mill Rd., Suite 310, The Woodlands, TX 77380	June 25, 2010.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2010–23673 Filed 9–21–10; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR Part 515, effective on the corresponding date shown below:

License Number: 4383F.
Name: Relogistics Worldwide, Inc.
Address: 8767 South Street, Fishers, IN 46038.
Date Revoked: August 30, 2010.
Reason: Failed to maintain a valid bond.

License Number: 11078N.
Name: ACS Associates, Inc.
Address: 1 Bridge Street, Suite 10, Irvington, NY 10533.
Date Revoked: August 22, 2010.
Reason: Failed to maintain a valid bond.

License Number: 016727NF.
Name: Cargo Express (Saipan), Inc.
Address: Cargo Express Bldg., Lower Base Drive, Lower Base, Saipan 96950.
Date Revoked: August 25 2010.
Reason: Failed to maintain valid bonds.

License Number: 018155N.
Name: Coastar Freight Services, Inc.
Address: 10370 Slusher Drive, Unit 2, Santa Fe Springs, CA 90670.
Date Revoked: August 23, 2010.
Reason: Failed to maintain a valid bond.

License Number: 018193N.
Name: Cherokee Cargo Corporation.
Address: 6006 Lake Avenue, St. Joseph, MO 64504.
Date Revoked: August 22, 2010.
Reason: Failed to maintain a valid bond.

License Number: 019327N.
Name: David A. Knott dba DAK Logistics Services.
Address: 1010 Bluejay Drive, Suisun City, CA 94585.
Date Revoked: August 23, 2010.
Reason: Failed to maintain a valid bond.

License Number: 019865N.
Name: Advanced Courier Express (ACE), Ltd. dba Hanjin Express NY.
Address: JFK Int'l Airport Bldg. #9, Suite 14, Jamaica, NY 11430.
Date Revoked: August 28, 2010.
Reason: Failed to maintain a valid bond.

License Number: 019867F.
Name: R D Shipping Multy Services Inc.
Address: 809 Adams Avenue, Elizabeth, NJ 07201.
Date Revoked: August 21, 2010.
Reason: Failed to maintain a valid bond.

License Number: 019899F.
Name: Sanjet Express, Inc.
Address: 301 N. Service Road, Roslyn Heights, NY 11577.
Date Revoked: August 21, 2010.
Reason: Failed to maintain a valid bond.

License Number: 020414F.
Name: Planet Freight Services, Inc.
Address: 1744 NW. 82nd Avenue, Doral, FL 33126.
Date Revoked: August 21, 2010.
Reason: Failed to maintain a valid bond.

License Number: 020883NF.
Name: Masters Shipping Inc.
Address: 2196 Fescue Drive, Aurora, IL 60504.
Date Revoked: August 22, 2010.
Reason: Failed to maintain valid bonds.

License Number: 021142N.
Name: Ocean Network Express, Inc.
Address: 2400 S. Wilmington Avenue, Compton, CA 90220.
Date Revoked: August 21, 2010.
Reason: Failed to maintain a valid bond.

License Number: 021431N.
Name: ARC Logistics, Inc.
Address: 9505 Aerospace Drive, St. Louis, MO 63134.
Date Revoked: August 25, 2010.
Reason: Failed to maintain a valid bond.

License Number: 021723F.
Name: ELY Forwarding LLC.
Address: 3214 Ole Miss Drive, Kenner, LA 70065.
Date Revoked: August 5, 2010.
Reason: Failed to maintain a valid bond.

License Number: 022033N.
Name: General Logistics, Inc.
Address: 1400 NW 159th Street, #105, Miami Gardens, FL 33169.
Date Revoked: August 25, 2010.
Reason: Failed to maintain a valid bond.

License Number: 022260N.
Name: EJ Logistic Inc.

Address: 2500 NW. 79th Avenue, Suite 200, Miami, FL 33122.

Date Revoked: August 26, 2010.

Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2010–23679 Filed 9–21–10; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Rescission of Order of Revocation

Notice is hereby given that the Order revoking the following license is being rescinded by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR Part 515.

License Number: 004063F.

Name: VIP Transport, Inc.

Address: 2703 Wardlow Road, Corona, CA 91720.

Order Published: FR: 9/1/2010 (Volume 75, No. 169, Pg. 53697).

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. 2010–23675 Filed 9–21–10; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Allright Shipping, Inc. (NVO & OFF), 1350 Bronx River Avenue, Bronx, NY 10472. *Officer:* Denzil Barker, President, (Qualifying Individual). Application Type: New NVO & OFF License.

Cambria Global Logistics, LLC (OFF), 12140 Quilting Lane, Boca Raton, FL 33428. *Officers:* Panu Virtanen, Managing Member, (Qualifying Individual). Kathleen Virtanen, Managing Member. Application Type: New OFF License.

Glory Express Inc. (NVO), 19825 Hamilton Avenue, Torrance, CA 90502. *Officer:* JinYoung Bae, President/Secretary/CFO, (Qualifying Individual). Application Type: QI Change.

K&K Express, LLC dba K2 Logistics (NVO & OFF), 2980 Commers Drive, #100, Eagan, MN 55121. *Officers:* Wanda L. Dessent, Vice President-International-Houston, (Qualifying Individual). Christiaan Walhof, CEO/President/CFO. Application Type: QI Change.

Overseas Cargo, Inc. (NVO & OFF), 9614 Pondwood Road, Boca Raton, FL 33428. *Officer:* Suramya (A.K.A. Ron) T. Atapattu, President/Secretary/Treasurer/Director, (Qualifying Individual). Application Type: New NVO & OFF License.

Smile Cha dba SMH Global Transport (NVO), 8636 York Circle, La Palma, CA 90623. *Officer:* Smile Cha, Sole Proprietor, (Qualifying Individual). Application Type: New NVO License.

Westwind Shipping and Logistics, Inc. (NVO), 38 West 32nd Street, Suite 1309B, New York, NY 10001. *Officer:* Harry Taurani, President/Secretary/Treasurer/CFO, (Qualifying Individual). Application Type: New NVO License.

World Class Solutions LLC (NVO & OFF), 3901 NW 79th Avenue, Suite 230, Doral, FL 33166. *Officer:* Jorgelina G. Marsaglia, President, (Qualifying Individual). Application Type: New NVO & OFF License.

Dated: September 17, 2010.

Karen V. Gregory,

Secretary.

[FR Doc. 2010–23676 Filed 9–21–10; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0465]

Agency Information Collection Activities; Proposed Collection; Comment Request; Experimental Study: Effect of Promotional Offers in Direct-to-Consumer Prescription Drug Print Advertisements on Consumer Product Perceptions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Experimental Study: Effect of Promotional Offers in Direct-to-Consumer Prescription Drug Print Advertisements on Consumer Product Perceptions. This study is designed to investigate the impact of the presence of coupons offering purchase incentives such as free-trial offers, discounts, and money-back guarantees on consumers' perceptions of product risks and benefits in direct-to-consumer (DTC) print ads.[1] Notice of proposed information collection for this project was previously published in the **Federal Register** of December 15, 2008 (73 FR 76034). This notice is being republished due to significant revisions in the burden and study design.

DATES: Submit either electronic or written comments on the collection of information by November 22, 2010.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–3792, *Elizabeth.Berbakos@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the

[1] While the Federal Food, Drug and Cosmetic Act (the FD&C Act) provides FDA with authority to regulate prescription drug advertisements that are false or misleading, the FD&C Act does not provide FDA with the authority to regulate the pricing of prescription drugs. Thus, FDA is merely interested in studying the effects, if any, of the presence of various promotional offers in DTC advertisements on consumers' perceptions of product risks and benefits, and recognizes that it does not actually regulate the dollar or other incentive amount of coupons, price incentives, or rebate offers with respect to how they affect the price of prescription drugs or biological products.

Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Experimental Study: Effect of Promotional Offers in Direct-to-Consumer (DTC) Prescription Drug Print Advertisements on Consumer Product Perceptions—New

Regulatory Background—Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 903(d)(2)(C) of the FD&C Act (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

FDA regulations require that an advertisement that makes claims about a prescription drug include a "fair balance" of information about the benefits and risks of the advertised product, in terms of both content and presentation (21 CFR 202.1(e)(5)(ii)). In part, "[a]n advertisement for a prescription drug is false, lacking in fair balance, or otherwise misleading* * * if it [c]ontains a representation or suggestion, not approved or permitted for use in the labeling, that a drug is better, more effective, useful in a broader range of conditions or patients* * *safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by substantial evidence or substantial clinical experience* * *whether or not such representations are made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly" (21 CFR 202.1(e)(6)(i)). Further, the regulations state that an advertisement may be misleading if it "[u]ses headline, subheadline, or pictorial or other graphic matter in a way that is misleading" (21 CFR 202.1(e)(6)(xviii)).

Advertisements that draw attention to the name of the product but do not make representations about the product's indication(s) or dosage recommendations are called reminder advertisements. As a general matter, reminder ads may mention the proprietary and established name of the product and (optionally) contain information about the product's ingredients, dosage form, quantity, price, and manufacturer (21 CFR 202.1(e)(2)(i)). Other written, printed, or graphic information is not prohibited in reminder ads as long as that information does not make a representation or suggestion relating to the product beyond those permitted.

Rationale. A topic of ongoing interest for consumer product manufacturers and retailers is the use of consumer-oriented sales promotions such as free trial offers, discounts, money-back guarantees, rebates, and sweepstakes. Coupon promotions are widely used in many product categories, including prescription drugs.

Prior research has demonstrated that the type of promotion offered can affect how consumers respond to the promotion.[2] For example, a price incentive may not only act as an economic incentive to buy the product, but may also artificially enhance consumers' perceptions of the product's quality.[3] In cases where consumers can readily test the performance of the products (termed "experience" goods[4]), this misperception is quickly corrected through the consumer's use of the product. However, because prescription drugs are both more complex and riskier than simpler experience products, misperceptions before product use are a serious concern.

Price incentives may mislead consumers because consumers may use the incentives as cues about product quality. For example, if length of warranty is strongly believed to be a good predictor of quality, then consumers may perceive a product as higher quality when a long warranty is present than when one is not present.[5] Thus, price incentives may have the potential to act as an "inference rule" (or heuristic[6]) and, when present, they may preempt consumers from thinking carefully about the product information contained in the advertisement (i.e., fully elaborating on the information). This could result in either favorable or unfavorable beliefs about the product.[7] If the promotional offer is used as a mental heuristic in such a way as to result in a misleading impression of the product, however, this raises concerns.

It may be possible to encourage more thorough processing of information and reduce reliance on heuristics through the inclusion of additional information designed to qualify and be processed at the same time as the claim in question. For example, disclosures (statements that qualify, limit, or explain a particular claim) are intended to be an information remedy to combat potential deception.[8] Research is mixed on the

[2] See for example, deGroot, I.M., G. Antonides, D. Read, et al., "The Effects of Direct Experience on Consumer Product Evaluation," *Journal of Socio-Economics*, 38(3), 509–519, 2009; DelVecchio, D., D.H. Henard, and T.H. Freling, "The Effect of Sales Promotion on Post-Promotion Brand Preference: A Meta-Analysis," *Journal of Retailing*, 82(3), 203–213, 2006; Mico, C.C. and T.G. Chowdhury, "The Effect of Message's Regulatory Focus and Product Type on Persuasion," *Journal of Marketing Theory and Practice*, 18(2), 181–190, 2010.

[3] LeClerc, F. and J.D.C. Little, "Can Advertising Copy Make FSI Coupons More Effective?," *Journal of Marketing Research*, 34(4), 473–484, 1997.

[4] Wolk, A. and C. Ebling, "Multi-Channel Price Differentiation: An Empirical Investigation of Existence and Causes," *International Journal of Research in Marketing*, 27(2), 142–150, 2010.

[5] Johar, G.V. and C.J. Simmons, "The Use of Concurrent Disclosures to Correct Invalid Inferences," *Journal of Consumer Research*, 26(4), 307, 2000.

[6] Chaiken, S., A. Liberman, and A. Eagly, "Heuristic and Systematic Proocessing Within and Beyond the Persuasion Context," 1989; In J.S. Uleman and J.A. Bargh (Eds.), Unintended Thought (chapter 7, p. 212–252), Guilford Press: New York; Bettman J.R., M.F. Luce, and J.W. Payne, "Constructive Consumer Choice Processes," *Journal of Consumer Research*, 25(3), 187–217, 1998.

[7] Alba, J.W. and H. Marmorstein, "The Effects of Frequency Knowledge on Consumer Decision Making," *Journal of Consumer Research*, 14(1), 14–25, 1987; Inman, J.J., L. McAlister, and W.D. Hoyer, "Promotion Signal: Proxy for a Price Cut?," *Journal of Consumer Research*, 17(1), 74–81, 1990.

[8] FTC (Federal Trade Commission) (1983), Federal Trade Commission policy statement on deception, appended to Cliffdale Associates, Inc., 103 F.T.C. 110 (1984), Available at *http://www.ftc.gov/bcp/policystmt/ad-decept.htm*, Last accessed September 8, 2010; Hoy, M.G and M.O. Lwin, "An International Perspective of Online Disclosure Information: A Comparison of Banner Ad Disclosures from United States, United Kingdom and Singapore Websites," *Journal of Consumer Policy*, 31, 327–347, 2008.

[9] See, for example, France, K.R. and P.F. Bone, "Policy Makers' Paradigms and Evidence From

Continued

effectiveness of disclosures, particularly those that take the form of a disclaimer.[9] However, there may be other ways to add information that is effective in changing processing. One possibility is including specific information about a prescription drug product's efficacy from labeling. This information may act as a signal with regard to the quality of the information (good or bad). By extension, this signal may affect the use of processing heuristics. Depending on the type of signal and the extent to which consumers process the signal, full elaboration of the product information may be enhanced (as use of heuristics decreases).

Consumers vary in their reactions to promotions such as coupons and researchers and economists have proposed a number of explanations for why some consumers are sensitive to these tactics. Two such traits are "price consciousness" and "belief in the price-quality relationship." Price consciousness is defined as the degree to which the consumer focuses exclusively on paying low prices. Belief in the price-quality relationship is defined as the degree to which one believes a higher price indicates superior quality.[10] A broader trait of "value consciousness" has also been used. This trait involves assumptions about the construct of perceived value and its relationship (a ratio) with the constructs of perceived quality and perceived price.

While promotions have been extensively studied in the context of package goods, information on their effects in DTC prescription drug ads is limited. One relevant study[11] found that a free-trial offer in a DTC ad for a high cholesterol drug resulted in more favorable perceptions of the product and the ad (both rated as good/bad, favorable/unfavorable, and pleasant/unpleasant), perceptions of the product and greater intentions to ask about the product. No differences were found in terms of perceived product risk. However, the study did not measure perceptions of product risk and benefit separately, or comprehension of risk and benefit information. Additionally, no attempt was made to control for factors that may predispose individuals toward coupon use nor was the study conducted with the target population (high cholesterol sufferers). The current study will expand on this initial study by investigating a variety of promotional offers, recruiting a wider range of the target audience from malls and online, measuring traits that may predispose individuals to be susceptible to coupon influence, and by exploring the effects of disclosures on the processing of product information.

The current study will examine what effect, if any, the presence of promotional offers in DTC prescription drug ads have on the following: (1) Consumers' perceptions of product risks and benefits, (2) comprehension of product risks and benefits, and (3) strongly held beliefs that may act as potential moderators. The study will also explore ways in which additional contextual information can be used to enhance processing of the product information in the advertisement.[12]

Design Overview

This study will examine type of promotional offer (*for example*, free trial offer; money off cost; money back guarantee; buy one, get one free; and no offer) in three types of drug advertisements (prescription drug reminder ad, prescription drug full product ad, and over-the-counter (OTC) drug ad[13]) in a medium prevalence medical condition (defined as 10 percent prevalence in the adult U.S. population). The study will be administered in two modes, online and mall-intercept, in order to assess the effects of mode on study results. The following table illustrates the design; the specific promotional offers examined will be determined through pretesting. This study is experimental in method: participants will be randomly assigned to condition.

Main Study Design

	Type of Advertisement					
Promotional Offer (*examples*)	Full Product		Reminder		OTC	
Free trial offer	Online	Mall	Online	Mall	Online	Mall
Buy one, get one free	Online	Mall	Online	Mall	Online	Mall
Money off cost	Online	Mall	Online	Mall	Online	Mall
Money back guarantee	Online	Mall	Online	Mall	Online	Mall
Control: No offer	Online	Mall	Online	Mall	Online	Mall

We also propose to conduct a supplementary exploratory study to examine the influence of additional information as a form of context. The supplementary study will examine the effect of some forms of qualifying context in a full product prescription drug ad. This supplementary study will examine type of context (for example, additional information about product risks, additional information about product benefits, additional information

Consumer Interpretations of Dietary Supplement Labels," *Journal of Consumer Affairs*, 39(1), 27–51, 2005; Mason, M.J., D.L. Scammon, and X. Fang, "The Impact of Warnings, Disclaimers and Product Experience on Consumers' Perceptions of Dietary Supplements," *Journal of Consumer Affairs*, 41(1) 74–99, 2007.

[10] Garretson, J.A. and S. Burton, "Highly Coupon and Sale Prone Consumers: Benefits Beyond Price Savings," *Journal of Advertising Research*, 43, 162–172, 2003.

[11] Bhutada, N.S., C.L. Cook, and M. Perri, "Consumer Responses to Cupons in Direct-to-Consumer Advertising of Prescription Drugs," *Health Marketing Quarterly*, 26, 333–346, 2009.

[12] Because FDA does not have the authority to regulate prescription drug pricing we will not examine prescription drug prices.

[13] Prescription drug full product advertisements contain information about both benefits and risks, whereas prescription drug reminder advertisements do not contain this information. OTC drug advertisements contain benefit information but not risk information, thus making it a good choice for an experimental comparison.

about both risks and benefits, and no additional information) in three different promotional offers (money back guarantee and two others) in a medium prevalence medical condition (defined previously). This supplemental study will be conducted online. One type of offer examined will be money back guarantee; we will choose the other two types of promotional offers based on the results of the main study. The exact wording of the qualifying context to be examined will be determined through pretesting. This study is experimental in method: Participants will be randomly assigned to condition.

Supplementary Study Design

	Type of Offer		
Type of Context (*examples*)	Money Back Guarantee	Offer 2 To be determined	Offer 3 To be determined
Additional information about risk			
Additional information about efficacy			
Additional information about efficacy and risk			
Control: No Context			

Interviews are expected to last no more than 20 minutes. A total of 10,000 participants will be involved in the pretesting and two phases of the study. This will be a one time (rather than annual) collection of information.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Pretests	1,000	1	1,000	.33	330
Main study: online	3,750	1	3,750	.33	1,238
Main study: mall intercept	2,250	1	2,250	.33	743
Supplementary study	3,000	1	3,000	.33	990
Total	10,000				3,301

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–23632 Filed 9–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0447]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices Third-Party Review Under the Food and Drug Administration Modernization Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements for the information collection in "Medical Devices Third-Party Review under the Food and Drug Administration Modernization Act of 1997."

DATES: Submit either electronic or written comments on the collection of information by November 22, 2010.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60–day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an

existing collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Medical Devices Third-Party Review Under the Food and Drug Administration Modernization Act—Section 523 of the Federal Food, Drug, and Cosmetic Act (OMB Control Number 0910–0375)—Extension

Section 210 of the Food and Drug Administration Modernization Act (FDAMA) established section 523 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360m), directing FDA to accredit persons in the private sector to review certain premarket notifications [510(k)s]. Participation in this third-party review program by accredited persons is entirely voluntary. A third party wishing to participate will submit a request for accreditation to FDA. Accredited third-party reviewers have the ability to review a manufacturer's 510(k) of the act (21 U.S.C. 360) submission for selected devices. After reviewing a submission, the reviewer will forward a copy of the 510(k) submission, along with the reviewer's documented review and recommendation to FDA. Third-party reviewers should maintain records of their 510(k) reviews and a copy of the 510(k) for a reasonable period of time, usually a period of 3 years.

This information collection will allow FDA to continue to implement the accredited person review program established by FDAMA and improve the efficiency of 510(k) review for low- to moderate-risk devices.

Respondents to this information collection are businesses or other for-profit organizations.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Section 523 of the Act	No. of Respondents	Annual Frequency per Response	Total Annual Respondents	Hours per Response	Total Hours
Requests for Accreditation	1	1	1	24	24
510(k) reviews conducted by accredited third parties	10	26	260	40	10,400
Totals					10,424

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Section 523 of the Act	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
510(k) reviews	10	26	260	10	2,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

I. Reporting

510(k) reviews conducted by accredited third parties

According to FDA's data in 2009, the agency has experienced that the number of 510(k)'s submitted for third-party review is approximately 260 annually, which is 26 annual reviews per each of the 10 accredited reviewers.

II. Recordkeeping

Third party reviewers are required to keep records of their review of each submission. According to FDA's in 2009, the agency anticipates approximately 260 submissions of 510(k)'s for third-party review per year.

Dated: September 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–23633 Filed 9–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Income Withholding for Support (IWO).

OMB No.: 0970–0154.

Description

Use of the OMB-approved Income Withholding for Support form falls under the authority of section 466 of the Act, 42 U.S.C. 666. Section 466(b)(6)(A)(ii) of the Act requires that the notice given to the employer for income withholding in IV–D cases shall be in a standard format prescribed by the Secretary, and contain only such information as may be necessary for the employer to comply with the withholding order for all IV–D cases. Section 466(a)(8)(B)(iii) of the Act requires that section 466(b)(6)(A)(ii) of the Act be applicable also to non-IV–D income withholding orders. These provisions clearly require all individuals and entities to use a form developed by the Secretary of HHS to notify employers of the income withholding order for child support in all IV–D and non-IV–D cases.

OCSE requires States' automated systems to be able to automatically generate and download data to the OMB approved income withholding form. If child support orders are established by the child support agency, necessary information is already contained within the automated system for downloading into income withholding orders. If a court or other tribunal has issued a child support order, then agency staff

enter the terms of the order into the automated system for use in issuing income withholding orders. Copies of the income withholding order are made for all necessary parties, and copies are transmitted to the employer/income withholder by mail or through the OCSE electronic income withholding order (e-IWO) portal.

The Income Withholding for Support form and instructions were updated for consistency and clarity in light of numerous comments suggesting changes, based on comments received during the 60-day comment period of the 1st **Federal Register** Notice publication.

Respondents: State Child Support Agencies and Tribes.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Income Withholding for Support (Form)	58	0	0	0
e-IWO Record Layouts	58	0	0	0

Estimated Total Annual Burden Hours: 0.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project. *Fax:* 202–395–6974. *Attn:* Desk Officer for the Administration for Children and Families.

Dated: September 15, 2010.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2010–23562 Filed 9–21–10; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0490]

Preparation for International Conference on Harmonisation Steering Committee and Expert Working Group Meetings in Fukuoka, Japan; Regional Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled "Preparation for ICH Steering Committee and Expert Working Group Meetings in Fukuoka, Japan" to provide information and receive comments on the International Conference on Harmonisation (ICH) as well as the upcoming meetings in Fukuoka, Japan. The topics to be discussed are the topics for discussion at the forthcoming ICH Steering Committee Meeting. The purpose of the meeting is to solicit public input prior to the next Steering Committee and Expert Working Group meetings in Fukuoka, Japan, November 6 through 11, 2010, at which discussion of the topics underway and the future of ICH will continue.

Date and Time: The public meeting will be held on October 13, 2010, from 2:30 p.m. to 4:30 p.m.

Location: The public meeting will be held at the Washington Theater at the Hilton Washington DC/Rockville Hotel & Executive Meeting Center, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: All participants must register with Jennifer Haggerty, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, email: *jennifer.haggerty@fda.hhs.gov*, or FAX: 301–595–7937.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and fax number), written material, and requests to make oral presentations to Jennifer Haggerty (see *Contact Person*) by 5 p.m. e.s.t. on October 11, 2010.

If you need special accommodations due to a disability, please contact Jennifer Haggerty (see *Contact Person*) at least 7 days in advance.

Transcripts: Please be advised that as soon as a transcript is available, it can be obtained in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: The ICH was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness.

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for medical product development among regulatory agencies. ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. ICH is concerned with

harmonization among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labor and Welfare; the Japanese Pharmaceutical Manufactures Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations. The ICH Steering Committee includes representatives from each of the ICH sponsors and Health Canada, the European Free Trade Area and the World Health Organization. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the three ICH regions.

The current ICH process and structure can be found at the following Web site: *http://www.ich.org*.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Public oral presentations will be scheduled between approximately 4 p.m. and 4:30 p.m. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by 5 p.m. e.s.t. on October 11, 2010, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, telephone number, fax, and email of proposed participants, and an indication of the approximate time requested to make their presentation.

The agenda for the public meeting will be made available on the Internet at: *http://www.fda.gov/Drugs/NewsEvents/ucm225322.htm*.

Dated: September 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–23642 Filed 9–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0486]

Safe Use Initiative; 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 "Safe Use Initiative." This public workshop, organized and hosted by FDA's Safe Use Initiative Team, will communicate the status of ongoing activities and the future vision for Safe Use Initiative projects. The workshop will also offer an opportunity for the Safe Use Initiative Team to gather input and perspectives for future directions and develop collaborative, cross-sector safe medication use activities with health care stakeholders.

DATES: The public workshop will be held on November 16, 2010, from 8:30 a.m. to 4:45 p.m., and November 17, 2010, from 8:30 a.m. to 12 noon. Suggestions for safe use topics received by October 15, 2010, may become the focus for indepth discussions during the workshop breakout sessions held the afternoon of November 16, 2010 (see section II of this document). Electronic or written comments will be accepted until January 31, 2011 (see section IV of this document).

ADDRESSES: The public workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31, rm. 1503, Silver Spring, MD 20993–0002.

Submit electronic comments on this document to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Sharon Bakayoko, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 1353, Silver Spring, MD 20993–0002, 301–796–7600, *CDERSafeUseInitia@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The mission of the Safe Use Initiative is to reduce preventable harm from FDA-regulated medications. The Safe Use Initiative seeks to create and facilitate public and private collaborations aimed at reduction of preventable harm.

FDA announced the "FDA's Safe Use Initiative—Collaborating to Reduce Preventable Harm From Medications" (the Safe Use Report) on November 5, 2009 (74 FR 57319). The Safe Use Report calls for an open and transparent process with health care stakeholders to identify candidate drug/drug classes or therapeutic areas that could benefit from a collaborative approach to harm reduction.

The first steps in public engagement involved outreach to the health care community—through public meetings, teleconferences, and listening sessions with stakeholder groups (e.g., health care professionals, consumer groups, insurers, and industry). The goals were to inform organizations about the Safe Use Initiative, to obtain feedback about medication safety and preventable medication harm, and to seek opportunities for collaboration. The suggestions that emerged from the safe use outreach activities ranged from preventing a specific drug-related adverse event to broad and overarching themes in health care.

II. Scope of the Public Workshop

This public workshop expands the Safe Use Initiative outreach efforts. It will provide a forum to engage the health care community about collaborations, interventions, and metrics for ongoing and future projects to make medications safer.

We are soliciting input in advance of the public workshop about topics for potential safe use collaborations. FDA will consider all topics. However, if submitted by October 15, 2010, some topics may become the focus for more indepth discussions and partnership development during the public workshop. Please submit topic suggestions (identified with the docket number found in brackets in the heading of this document) to the Division of Dockets Management (see **ADDRESSES**). When submitting a topic for consideration, please suggest how it could become a safe use project, e.g., other health care partners who might have an interest in the issue, kinds of interventions to reduce preventable harm, metrics, etc.

III. Attendance and Registration to Speak

The FDA Conference Center at the White Oak location is a Federal facility with security procedures. There is no fee to attend the workshop, and attendees who do not wish to make an

oral presentation do not need to register. Seating is limited and will be on a first-come, first-served basis.

If you would like to make an oral presentation during the public session on November 17, 2010, you must register and provide an abstract of your presentation by the close of business on October 15, 2010. To speak, submit your name, title, business or organization affiliation (if applicable), address, telephone number, fax number, and email address to Sharon Bakayoko (see **FOR FURTHER INFORMATION CONTACT**). FDA has included areas of interest in section II of this document. Please indicate the topic area you wish to address in your presentation. FDA will do its best to accommodate requests to speak. Individuals and organizations with common interest 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. Persons registered to make an oral presentation should check in at the registration desk before the workshop. Time will be allowed during the scheduled agenda for attendees to ask questions of panelists. In addition, we strongly encourage electronic or written comments to the docket (see section IV of this document).

If you need special accommodations because of a disability, please contact Sharon Bakayoko at least 7 days before the workshop.

IV. Comments

Regardless of attendance at the workshop, interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document, including suggestions for workshop topics. 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.

V. Electronic Access

Information about the Safe Use Initiative, including the Safe Use Report, is available on the Internet at *http://www.fda.gov/safeuseinitiative*. Information about the workshop will be posted on this Web site when it is available.

VI. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.fda.gov/safeuseinitiative* and *http://www.regulations.gov*. It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (HFI–35), Office of Management Programs, Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857.

Dated: September 16, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–23641 Filed 9–21–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Part D Grant for Coordinated HIV Services and Access to Research for Women, Infants, Children, and Youth Part D Funds Under the Ryan White HIV/AIDS Program

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of Non-competitive Award of Part D Funds for the University of Utah.

SUMMARY: HRSA will be awarding, non-competitively, Part D Funds to support family-centered primary medical care, treatment, and support services (directly or through contracts) for women, infants, children, and youth with HIV/AIDS, to the University of Utah in order to ensure continuity of critical HIV medical care and support services, to women, infants, children and youth in Salt Lake City, Utah and the surrounding counties.

SUPPLEMENTARY INFORMATION:

Grantee of record: Utah Department of Health, Salt Lake City, Utah.

Intended recipient of the award: University of Utah, Salt Lake City, Utah.

Amount of the award: $350.000 to ensure continuity of medical care and support services to the target population.

Authority: Section 2671 of the Public Health Service Act, 42 U.S.C. 300ff–71.

CFDA Number: 93.918.

Project period: August 1, 2010, to July 31, 2011. The period of support for this award is from August 1, 2010, to July 31, 2011.

Justification for the Exception to Competition

Funding for critical HIV medical care and support services to women, infants, children and youth in Salt Lake City, Utah and the surrounding areas will be continued through a non-competitive award to the University of Utah. The Utah Department of Health is currently contracting all of these services to the University of Utah. The University of Utah has the clinical, fiscal, and administrative infrastructure to administer the Part D Grant since it is currently the Part C Early Intervention Services Grant recipient. This is a temporary replacement award, as the previous grant recipient serving this population notified HRSA that it could not continue as the grantee of record after July 31, 2010. HRSA's HIV/AIDS Bureau identified the University of Utah as the best qualified entity for this temporary grant. Since the grant's inception, the Utah Department of Health has contracted with the University of Utah to provide all Part D services, and the University can continue to ensure family-centered care involving outpatient or ambulatory care (directly or through contracts) for women, infants, children, and youth living with HIV/AIDS. The University is able to provide critical services with the least amount of disruption to the service population while the service area is re-competed.

This supplement will cover the time period from August 1, 2010, through July 31, 2011. This service area will be included in the upcoming competition for the Part D Coordinated HIV Services and Access to Research for Women, Infants, Children, and Youth for project periods starting August, 2011.

FOR FURTHER INFORMATION CONTACT: Dora Ober, by e-mail *dober@hrsa.gov,* or by phone, 301–443–0759.

Dated: September 15, 2010.

Mary K. Wakefield,

Administrator.

[FR Doc. 2010–23715 Filed 9–21–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Privacy Act of 1974; Report of an Altered System of Records

AGENCY: Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA).

ACTION: Notice of an Altered System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, the Health Resources and Services Administration (HRSA) is publishing a notice to alter the Correspondence Control System. This system of records is used to control and track all correspondence documents addressed or directed to, as well as initiated by, the Administrator, HRSA, or his/her subordinates, as well as other Agency documents, to assure timely and appropriate attention.

The purposes of these alterations are to reflect a change in the system name and location; the system manager and address; policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system; contesting records procedures; and the addition of routine use number 3. The last update of this SORN #09–15–0059 was December 23, 1998 (63 FR 71145).

DATES: HRSA has filed an altered system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on *June 15, 2010.*

To ensure all parties have adequate time in which to comment, the altered systems, including the routine uses, will become effective 30 days from the publication of the notice or 40 days from the date it was submitted to OMB and Congress, whichever is later, unless HRSA receives comments that require alterations to this notice.

ADDRESSES: The public should address comments to Sahira Rafiullah, Director, Division of Policy and Information Coordination, Health Resources and Services Administration, 5600 Fishers Lane, Room 14A–11, Rockville, Maryland 20857; Telephone (301) 443–1785. This is not a toll-free number. Comments received will be available for inspection at the same address from 9 a.m. to 3 p.m. eastern standard time zone, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Director, Division of Policy and Information Coordination, Office of Management, 5600 Fishers Lane, Room 14A–11, Rockville, Maryland 20857; Telephone (301) 443–1785. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Health Resources and Services Administration is updating the system of records notice to reflect a change in the name from Correspondence Control System to Strategic Work Information and Folder Transfer System. The change in location is from a specific Bureau to a central location in the Division of Policy and Information Coordination, Office of Management, Office of Operations, HRSA, 5600 Fishers Lane, Room 14A–11, Rockville, Maryland 20857. The change in system manager and address is from Policy Coordinator to Director, Division of Policy and Information Coordination and the change of address is from Room 14–08 to Room 14A–11. The change in categories of records reflects more clarification as well as current technology. The change in storage reflects an update of current technology. The change in retrievability is further clarification of staff. The change in retention and disposal is to reflect a revision in the retention and disposal schedule. The addition of a new routine use is to include appropriate Federal agencies and Department contractors for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of the information maintained in this system of records.

Dated: September 9, 2010.

Mary K. Wakefield,

Administrator.

SYSTEM NUMBER:

09–15–0059

SYSTEM NAME:

Strategic Work Information and Folder Transfer System (SWIFT), HHS/HRSA/OO/OM.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Policy and Information Coordination, Office of Management, Office of Operations, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 14A–11, Rockville, MD 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have sent written correspondence (including e-mails and faxes) or other documents to the Administrator, HRSA, the Deputy Administrator, an associate administrator, or a bureau director, or individuals who have been contacted in writing by one of these officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence includes incoming letters, memos, relevant background information, and agency outgoing correspondence. Other documents include Reports to Congress, Regulations, **Federal Register** notices and records management schedules. This information is contained on hardcopy printouts and a secured network server managed by IT staff.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S) FOR RECORDS IN THIS SYSTEM:

To control and track all correspondence addressed or directed to and initiated by the Administrator, HRSA, or his/her subordinates as indicated above, as well as other documents, to assure timely and appropriate attention by relevant HRSA staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The Department of Health and Human Services (DHHS) may disclose information from this system of records to a congressional office from the record of an individual in response to a verified inquiry from the congressional office made at the request of that individual.

2. DHHS may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when:

a. DHHS, or any component thereof; or

b. Any DHHS employee in his or her official capacity; or

c. Any DHHS employee in his or her individual capacity where the Department of Justice (or DHHS, where authorized to do so) has agreed to represent the employee; or

d. The United States, or any agency thereof where DHHS determines that the litigation is likely to affect DHHS or any of its components, is a party to litigation or has an interest in such litigation, and DHHS determines that the use of such records by the Department of Justice, the court or other tribunal is relevant and necessary to the litigation and would

help in the effective representation of the governmental party, provided, however, that in each case, DHHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. DHHS may disclose information from this system of records to appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

1. STORAGE: Controlled correspondence records and other document records are maintained in hardcopy and electronically at the operational computer site.

2. RETRIEVABILITY: Hardcopy records are indexed chronologically by date, name, subject and unique numerical control number. Electronic records are indexed chronologically by date, name, subject and unique numeral control number. Records are available to staff responsible for preparation of correspondence and to the staff of the Division of Policy and Information Coordination.

3. SAFEGUARDS: Access to hardcopy and computer resident records is limited to the staff of the Division of Policy and Information Coordination and Bureau correspondence liaisons. Privacy training is required for those individuals. Access to hardcopy records during non-working hours is limited to these individuals who have keys to both the file cabinets and rooms where the records are stored. Remote computer terminal locations are protected with individual user identification codes and associated passwords that are changed periodically. When possible, computer terminal locations are locked during non-working hours. Confidential and/or sensitive documents are either hand carried or transmitted in sealed envelopes. Employees who handle controlled correspondence and other documents are instructed to observe established office procedures to protect correspondence documents from unauthorized access.

RETENTION AND DISPOSAL:

Temporary hardcopy records are cut off at the end of each calendar year, retained on-site for 2 years, transferred to the Washington National Records Center (WNRC), and destroyed by WNRC 5 years later, in accordance with established records retention and disposition schedules. Permanent hardcopy records are cut off at the end of each calendar year, retained on-site for 2 years, transferred to the Washington National Records Center, and then 5 years later transferred to the National Archives and Records Administration (NARA). HRSA is working with NARA to obtain the appropriate retention value regarding electronic records.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Policy and Information Coordination, Room 14A–11, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

NOTIFICATION PROCEDURE:

Inquiries for correspondence should indicate the name of the individual with whom HRSA corresponded and, where possible, the date of the incoming correspondence to HRSA, if any, and the date of the outgoing correspondence from HRSA. Inquiries for other documents should indicate the name of the document and, where possible, the date of the document.

RECORDS ACCESS PROCEDURES:

Requesters must provide identification that they are who they claim to be and their understanding that obtaining information under false pretenses is subject to a maximum statutory penalty of $5,000. Requesters may also ask for an accounting of disclosures that have been made of records that relate to them, if any.

CONTESTING RECORDS PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record, specify the information to be contested, the corrective action sought, and the reason for seeking the correction, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records are derived from incoming correspondence to, and the outgoing correspondence of, the Administrator, HRSA, or his/her subordinates as indicated above. Records are also derived from other documents within the Agency.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 2010–23711 Filed 9–21–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill vacancies on the Advisory Committee on Organ Transplantation (ACOT). The ACOT was established by the Amended Final Rule of the Organ Procurement and Transplantation Network (OPTN) (42 CFR part 121) and, in accordance with Public Law 92–463, was chartered on September 1, 2000.

DATES: The agency must receive nominations on or before October 22, 2010.

ADDRESSES: All nominations should be submitted to the Executive Secretary, Advisory Committee on Organ Transplantation, Healthcare Systems Bureau, HRSA, Parklawn Building, Room 12–105, 5600 Fishers Lane, Rockville, Maryland 20857. Federal Express, Airborne, UPS, etc., mail delivery should be addressed to Executive Secretary, Advisory Committee on Organ Transplantation, Healthcare Systems Bureau, HRSA, at the above address.

FOR FURTHER INFORMATION CONTACT: Patricia A. Stroup, M.B.A., M.P.A., Executive Secretary, Advisory Committee on Organ Transplantation, at (301) 443–1127 or e-mail *Patricia.Stroup@hrsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: As provided by 42 CFR 121.12, the Secretary established the Advisory Committee on Organ Transplantation. The Committee is governed by the Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

The ACOT advises the Secretary, acting through the Administrator, HRSA, on all aspects of organ procurement, procurement, allocation, and transplantation, and on other such matters that the Secretary determines. One of its principal functions is to advise the Secretary on Federal efforts to maximize the number of deceased donor organs made available for transplantation and to support the safety of living organ donation.

The ACOT consists of up to 25 members, who are Special Government Employees, and 5 ex-officio, non-voting members. Members and the Chair shall be appointed by the Secretary from individuals knowledgeable in such fields as deceased and living organ donation, health care public policy, transplantation medicine and surgery, critical care medicine and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, living organ donors, and family members of deceased and living organ donors. Members shall not serve while they are also serving on the OPTN Board of Directors. To the extent practicable, Committee members should represent the minority, gender and geographic diversity of transplant candidates, transplant recipients, organ donors and family members served by the OPTN. The ex-officio, non-voting members shall include the Directors of the National Institutes of Health, the Centers for Disease Control and Prevention; and the Agency for Healthcare Research and Quality; the Administrator of the Centers for Medicare and Medicaid Services; and the Commissioner of the Food and Drug Administration—or their designees.

Specifically, HRSA is requesting nominations for voting members of the ACOT representing: health care public policy; transplantation medicine and surgery, including pediatric and heart/lung transplantation; critical care medicine; nursing; epidemiology and applied statistics; immunology; law and bioethics; behavioral sciences; economics and econometrics; organ procurement organizations; transplant candidates/recipients; transplant/donor family members; and living donors. Nominees will be invited to serve a 4-year term beginning after January 2011.

HHS will consider nominations of all qualified individuals with a view to ensuring that the Advisory Committee includes the areas of subject matter expertise noted above. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the ACOT. Nominations shall state that the nominee is willing to serve as a member of the ACOT and appears to have no conflict of interest that would preclude the ACOT membership. Potential candidates will be asked to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations of the Committee to permit evaluation of possible sources of conflicts of interest.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.,* what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of ACOT), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, address, daytime telephone number, and e-mail address at which the nominator can be contacted.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or disabled candidates.

Dated: September 15, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–23713 Filed 9–21–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0711]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0080

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) and Analysis to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collection of information: 1625–0080, Customer Satisfaction Surveys. Before submitting this ICR to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 22, 2010.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2010–0711], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

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

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

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, a copy is available from: Commandant (CG–611), Attn Paperwork Reduction Act Manager, US Coast Guard, 2100 2nd St., SW., Stop 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether this ICR should be granted based on the collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. *Please see* the "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2010–0711], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number for this Notice [USCG–2010–0711] in the Search box, and click "Go >>." You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information Collection Request

Title: Customer Satisfaction Surveys.

OMB Control Number: 1625–0080.

Summary: Executive Order 12862 authorizes the Coast Guard to survey customers to determine the kind and quality of services they want, and their level of satisfaction with existing services.

Need: Putting people first means ensuring that the Federal Government provides the highest-quality of service possible to the American people. Executive Order 12862 requires all executive departments/agencies providing significant services directly to the public, seek to meet established standards of customer service.

Forms: None.

Respondents: Recreational boaters, commercial mariners, industry groups, and State and local governments.

Frequency: On occasion.

Burden Estimate: The estimated burden has decreased from 15,516 hours to 1,316 hours a year.

Dated: September 15, 2010.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2010–23611 Filed 9–21–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0858]

Information Collection Request to Office of Management and Budget; OMB Control Numbers: 1625–0002, 1625–0017, 1625–0019, and 1625–0030

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit Information Collection Requests (ICRs) and Analyses to the Office of Management and Budget (OMB) requesting an extension of its approval for the following collections of information: (1) 1625–0002, Applications for Vessel Inspection, Waiver, and Continuous Synopsis Record; (2) 1625–0017, Various International Agreement Safety Certificates and Documents; (3) 1625–0019, Alternative Compliance for International and Inland Navigation Rules—33 CFR Parts 81 and 89; (4) and 1625–0030, Oil and Hazardous Materials Transfer Procedures. Before submitting these ICRs to OMB, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before November 22, 2010.

ADDRESSES: To avoid duplicate submissions to the docket [USCG–2010–0858], please use only one of the following means:

(1) *Online: http://www.regulations.gov.*

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

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

(4) *Fax:* 202–493–2251.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–611), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2100 2nd St., SW., Stop 7101, Washington, DC 20593–7101.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Arthur Requina, Office of Information Management, telephone 202–475–3523, or fax 202–475–3929, for questions on these documents. Contact Ms. Renee V. Wright, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard invites comments on whether these ICRs should be granted based on the collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of information subject to the collections; and (4) ways to minimize the burden of the collections on respondents, including the use of automated collection techniques or other forms of information technology.

We encourage you to respond to this request by submitting comments and

related materials. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. *Please see* the "Privacy Act" paragraph below.

Submitting comments: If you submit a comment, please include the docket number [USCG–2010–0858], indicate the specific section of the document to which each comment applies, providing a reason for each comment. We recommend you include your name, mailing address, an e-mail address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing comments and documents: Go to *http://www.regulations.gov* to view documents mentioned in this Notice as being available in the docket. Enter the docket number for this Notice [USCG–2010–0858] in the Search box, and click "Go >>." You may also visit the DMF in room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received in 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 the Privacy Act statement regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

Information Collection Request

1. *Title:* Applications for Vessel Inspection, Waiver, and Continuous Synopsis Record

OMB Control Number: 1625–0002.

Summary: The collection of information requires the owner, operator, agent, or master of a vessel to apply in writing to the Coast Guard before the commencement of an inspection for certification; when a waiver is desired from the requirements of navigation and vessel inspection; or, to request a Continuous Synopsis Record.

Need: Title 46 U.S.C. 3306 and 3309 authorize the Coast Guard to establish regulations to protect life, property, and the environment. These reporting requirements are part of the Coast Guard's Marine Safety Program.

Forms: CG–2633, CG–3752, CG–3752A, CG–6039.

Respondents: Vessel owner, operator, agent, master or interested U.S. Government agency.

Frequency: On occasion, annually, or on a 5-year cycle.

Burden Estimate: The estimated burden has increased from 848 hours to 1,315 hours a year.

2. *Title:* Various International Agreement Safety Certificates and Documents

OMB Control Number: 1625–0017.

Summary: The associated 15 forms are evidence of compliance with the International Convention for Safety of Life at Sea, 1974 (SOLAS) for certain U.S. vessels on international voyages. Without the proper certificates or documents, a U.S. vessel could be detained in a foreign port.

Need: SOLAS applies to all mechanically propelled cargo vessels of 500 or more gross tons (GT), and to all mechanically propelled passenger vessels carrying more than 12 passengers that engage in international voyages. SOLAS and title 46 CFR 2.01–25 list certificates and documents that may be issued to vessels.

Forms: CG–967, CG–968, CG–968A, CG–969, CG–3347, CG–3347B, CG–4359, CG–4360, CG–4361, CG–5643, CG–5679, CG–5679A, CG–5680, CG–6038, CG–6038A.

Respondents: Owners and operators of SOLAS vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 127 hours to 169 hours a year.

3. *Title:* Alternative Compliance for International and Inland Navigation Rules—33 CFR Parts 81 and 89

OMB Control Number: 1625–0019.

Summary: The information collected provides an opportunity for an owner, operator, builder, or agent of a unique vessel to present their reasons why the vessel cannot comply with existing International/Inland Navigation Rules, and, how alternative compliance can be achieved. If appropriate, a Certificate of Alternative Compliance is issued.

Need: Certain vessels cannot comply with the International Navigation Rules (*see* 33 U.S.C. 1601 through 1608; 28 U.S.T. 3459, and T.I.A.S. 8587) and Inland Navigation Rules (33 U.S.C. 2001 through 2073). The Coast Guard thus provides an opportunity for alternative compliance. However, it is not possible to determine whether appropriate, or what kind of alternative procedures might be necessary, without this collection.

Forms: None.

Respondents: Vessel owners, operators, builders and agents.

Frequency: One-time application.

Burden Estimate: The estimated burden has decreased from 122 hours to 50 hours a year.

4. *Title:* Oil and Hazardous Materials Transfer Procedures

OMB Control Number: 1625–0030.

Summary: The collection of information requires vessels with a cargo capacity of 250 barrels or more of oil/hazardous materials to develop and maintain transfer procedures. Transfer procedures provide basic safety information with the goal of pollution prevention.

Need: Title 33 U.S.C. 1231 authorizes the Coast Guard to prescribe regulations related to the prevention of pollution. Title 33 CFR Part 155 prescribes pollution prevention regulations including those related to transfer procedures.

Forms: None.

Respondents: Operators of certain vessels.

Frequency: On occasion.

Burden Estimate: The estimated burden has increased from 133 hours to 164 hours a year.

Dated: September 15, 2010.

R.E. Day,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Command, Control, Communications, Computers and Information Technology.

[FR Doc. 2010–23612 Filed 9–21–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1935–DR; Docket ID FEMA–2010–0002]

Illinois; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–1935–DR), dated August 19, 2010, and related determinations.

DATES: *Effective Date:* September 13, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this declared disaster is now July 19, 2010, through and including August 7, 2010.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–23709 Filed 9–21–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1935–DR; Docket ID FEMA–2010–0002]

Illinois; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–1935–DR), dated August 19, 2010, and related determinations.

DATES: *Effective Date:* September 13, 2010.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Illinois is hereby amended to include the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 19, 2010.

Adams, Carroll, Jo Daviess, Ogle, Pike, Schuyler, and Stephenson Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2010–23707 Filed 9–21–10; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Prepare an Environmental Assessment and Scoping; President's Park South Security Re-Design and Landscaping Preservation and Permanent Closure of E Street, the Ellipse Roadways, South Executive Avenue, State Place and West South Executive Avenue, and Hamilton Place and East South Executive Avenue, to Unauthorized Vehicular Use

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Intent to Prepare an Environmental Assessment by the National Park Service and the United States Secret Service, and notice of scoping for re-designing the security elements and preserving the landscape within President's Park South, which includes a portion of E Street, NW., in Washington, DC. The proposed actions are as follows: The United States Secret Service deciding whether to permanently close (1) the section of E Street, NW. between 15th and 17th Streets, NW., South Executive Avenue, and the Ellipse roadways to unauthorized vehicular traffic, and (2) State Place and West South Executive Avenue and adjacent sidewalks (contiguous to First Division Monument) and Hamilton Place and East South Executive Avenue and adjacent sidewalks (contiguous to Sherman Park) to unauthorized vehicular and unauthorized pedestrian traffic, and to install durable, more aesthetic security elements in the area to replace the temporary, unsightly security elements currently in place; and the National Park Service deciding on landscape and infrastructure changes to the area that respond to the street closures and re-design of security elements to ensure the iconic historic nature of the landscape that is the White House and its environs and an important destination for visitors.

SUMMARY: In accordance with the *National Environmental Policy Act,* 42 U.S.C. 4321, (NEPA), and applicable regulations and policies, the National Park Service (NPS) and the United States Secret Service (USSS), as joint lead agencies, are preparing an Environmental Assessment (EA). The EA will aid the USSS in deciding whether to permanently close E Street, South Executive Avenue, and the Ellipse roadways within President's Park South to unauthorized vehicular traffic, and State Place and West South Executive Avenue and adjacent sidewalks (contiguous to First Division Monument) and Hamilton Place and East South Executive Avenue and adjacent sidewalks (contiguous to Sherman Park) to unauthorized vehicular and unauthorized pedestrian traffic. The EA will further inform the USSS as it considers replacing existing security elements in the area, such as jersey barriers, provisional guard booths, canopy tents, bike rack, concrete planters and standing canine vehicles. These security elements, while effective, are visually unattractive and may detract from the iconic and historic nature of the area. The USSS would seek to install security elements that are both durable and more aesthetic at the vehicle checkpoints and along the street closures. The NPS will utilize the EA to assist in its consideration of landscape and infrastructure changes to President's Park South that respond to USSS security requirements and conform to the area's historic features, its iconic status and popularity as a visitor destination. The National Capital Planning Commission (NCPC) is a cooperating agency in this EA and is assisting in the development of potential alternatives by holding a limited competition for design concepts that integrate USSS security requirements and NPS cultural

landscape preservation policies and guidelines. Other government agencies are invited to serve as cooperating agencies. Interested agencies are asked to contact the Office of the National Park Service Liaison to the White House at (202) 619–6344 at the NPS as early as possible in this process. Compliance with the National Historic Preservation Act (NHPA), including NHPA Section 106, and other laws and requirements, will be coordinated with this EA process, and government agencies that are affected by the proposed actions or have special expertise will be consulted, whether or not they are cooperating agencies.

This notice also serves as an announcement of scoping on both proposed actions, and comments are sought from the public, government agencies and other interested persons and organizations. Scoping is used to gain insight into the issues to be addressed and to identify other significant issues related to the proposed actions. For comments to be most helpful to the scoping process, they must be received within 45 days of this notice. During scoping, a public meeting will be held to present information and obtain input from attendees. The NPS and USSS will describe the proposed actions and how the planning will be conducted, and NCPC will describe the design concepts competition it is conducting. All comments submitted during scoping, including at the meeting, will be considered by both the NPS and USSS. The date for the public meeting will be announced through the news media and through the National Park Service's Planning, Environment and Public Comment Web site. [When the meeting date is announced, if you require additional information or special assistance to attend and participate in this meeting, please contact the Office of the National Park Service Liaison to the White House at (202) 619–6344.]

There is always the possibility that the NPS and USSS might proceed to prepare an Environmental Impact Statement (EIS) for the proposed actions instead of an EA. If this occurs, comments submitted now will be considered for any EIS that is developed.

DATES: Comments should be received within 45 days of this notice. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

ADDRESSES: Comments may be submitted electronically through the NPS' Planning, Environment and Public Comment (PEPC) Web site at *http://parkplanning.nps.gov/PRPA* (The NPS preferred method of receiving comments), or by mail to: Office of the National Park Service Liaison to the White House, 1100 Ohio Drive, SW., Room 344, Washington, DC 20242.

FOR FURTHER INFORMATION CONTACT: The NPS may be contacted at the Office of the National Park Service Liaison to the White House, 1100 Ohio Drive, SW., Washington, DC 20242, (202) 619–6344. To be added to a mailing list about the proposed actions, contact the NPS at (202) 619–6344.

SUPPLEMENTARY INFORMATION: NEPA regulations and policies encourage agencies to collaborate or otherwise use the same NEPA analysis to avoid duplications of effort, to reduce paperwork, and to prevent delays in decision-making. The proposed actions grow out of needs identified by USSS concerning the level and type of security required for the White House. The NPS and USSS seek to re-design the security elements in this space and preserve the landscape to create a visitor and pedestrian-friendly, elegant and beautiful environment that is respectful of its historic context and iconic status, while continuing to meet USSS security needs. President's Park South is part of the National Park System unit and includes Sherman Park, First Division Monument, the Ellipse and its side panels, as well as the associated roadways in the area. These places, along with other site features, are listed on the National Register of Historic Places. The NPS manages President's Park South pursuant to its statutory authorities, regulations and policies, the *Comprehensive Design Plan for the White House and President's Park* (2000) (*Plan*), the *Design Guidelines for the White House and President's Park* (1997), and in light of the area's National Register status. The section of E Street, NW., within this park area is also administered by NPS.

Following the events of September 11, 2001, USSS temporarily closed the section of E Street, NW., within President's Park South to unauthorized vehicular traffic. To secure this general area, USSS placed a line of jersey barriers along the southern edge of E Street, and installed provisional guard booths, canopy tents, bike rack, concrete planters and standing canine vehicles at vehicle checkpoints at the east and west ends of E Street. A vehicle check point was also placed at the 16th Street and Constitution Avenue, entrance to the Ellipse. Since that time there has been a continued, temporary closure of the roadways to unauthorized vehicular traffic. The USSS will determine whether to change the status of the closure from temporary to permanent and to integrate durable, more aesthetic security elements in place of the temporary security elements identified above.

The intent is to integrate durable, more aesthetic security elements that not only help satisfy the requirement to maintain the historic and iconic character of President's Park South, but also improve the experience of visitors moving through the area to enter or view the White House and its grounds.

The EA will assess a range of alternatives establishing a permanent closure of E Street and associated roadways and the installation of re-designed security elements resulting in changes to the area, along with a no-action alternative for continuing the current closure using the existing, temporary security elements. The *Plan* was developed as an EIS and it will serve as a foundation for this EA, and the EA will also review the *Plan's* treatment of President's Park South.

In 2008, the NCPC Security Task Force recommended, and the NPS and USSS agreed, that NCPC, through its Task Force, would manage a limited competition to generate creative and thoughtful design concepts that incorporate necessary USSS security elements while improving the experience of visitors moving through the area to enter or view the White House and its grounds. The NCPC is a federal agency whose mission includes serving as the central planning agency for the federal activities in the greater Washington, DC area. The design concepts generated through this process may become alternatives in the EA.

Dated: August 5, 2010.

Margaret O'Dell,

Regional Director, National Capital Region.

[FR Doc. 2010–23690 Filed 9–21–10; 8:45 am]

BILLING CODE 4312–54–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLID9900000.L1210000.NU0000; G0–00]

Proposed Supplementary Rules on Public Land, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) Idaho State Office is proposing supplementary rules relating to the illegal use of alcohol and drugs on public lands in Idaho. The BLM is also proposing to prohibit the possession of an open alcoholic beverage container by operators or passengers in or on either a vehicle or off-highway vehicle, on public land in Idaho administered by the BLM. These supplementary rules are necessary to protect natural resources and the health and safety of public land users. These supplementary rules will allow BLM Law Enforcement personnel to continue enforcing existing public land regulations pertaining to alcohol and drug use in a manner consistent with current State of Idaho Statutes.

DATES: You should submit your comments by November 22, 2010. Comments postmarked or received in person or by electronic mail after this date may not be considered in the development of the final supplementary rules.

ADDRESSES: Please mail or hand-deliver comments to Keith McGrath, State Staff Law Enforcement Ranger, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709; or e-mail comments to *Keith_McGrath@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Keith McGrath, Bureau of Land Management, (208) 373–4046, *Keith_McGrath@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact this individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Other Procedural Matters

I. Public Comment Procedures

Written comments on the proposed supplementary rules should be specific and confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal that the commenter is addressing. The BLM is not obligated to consider, or include in the Administrative Record for the final supplementary rules, comments delivered to an address other than those listed above (*See* **ADDRESSES**) or comments that the BLM receives after the close of the comment period (*See* **DATES**), unless they are postmarked or electronically dated before the deadline.

Comments, including names, street addresses, and other contact information for respondents, will be available for public review at the BLM Idaho State Office address listed in **ADDRESSES** during regular business hours (7:45 a.m. to 3:45 p.m., Monday through Friday, except Federal holidays). Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

Although two BLM Districts in the State of Idaho have issued rules mirroring the State of Idaho Statutes on underage possession and consumption of alcohol, the BLM has no statewide supplementary rules regarding the illegal possession or use of alcohol on public lands in Idaho. In the absence of specific regulations, law enforcement officers have regulated this illegal behavior under broader regulations, creating a lack of consistency with surrounding governing entities. These proposed supplementary rules will bring consistency to all BLM-administered land throughout the State and promote consistency between the BLM and other agencies, including the State of Idaho, County Sheriff's Offices, Idaho State Police, and various Federal agencies where working relationships and partnerships exist in public land management.

In keeping with the BLM's goal to reduce threats to public health, safety, and property, these proposed supplementary rules are necessary to protect natural resources, allow for safe public recreation, reduce the potential for damage to the environment, and enhance the safety of visitors and neighboring residents. Alcohol-related offenses are a growing problem on the public lands. Unlawful consumption of alcohol and drugs has the potential to pose a significant health and safety hazard to all users. Operation of motor vehicles while under the influence of alcohol or drugs has been demonstrated to result in the destruction of natural resources and property, and/or serious physical injury or death. Vandalism to public land resources resulting from illegal alcohol and drug use and the clear risks to public safety demonstrate the need for greater regulation of these activities.

For the purposes of these proposed supplementary rules, an alcoholic beverage will be any liquid or solid containing more than three percent of alcohol by weight. The BLM has chosen three percent alcohol by weight to account for 3.2 percent beer sold in Idaho. The State of Idaho defines an alcoholic beverage as a liquid or solid containing more than four percent of alcohol by weight, and addresses prohibition of open containers of beer in motor vehicles, including 3.2 percent beer, in a slightly different manner than BLM rules. The BLM has determined that setting the threshold at three percent would be the clearest way to account for all Idaho State prohibitions.

Possession of drug paraphernalia has frequently been linked to other illegal uses of controlled substances including cultivation, manufacture, and possession for distribution. The BLM, in keeping with the mandates of the President's Office of National Drug Control Policy 2009 National Drug Control Strategy, will continue its efforts to reduce illegal use of controlled substances on public lands. These proposed supplementary rules will provide for consistent application and enforcement of alcohol and drug regulations on public lands, further enhancing public safety by all public land users.

These proposed supplementary rules will supersede that portion of the existing supplementary rule enacted in the BLM Idaho Falls District (67 FR 30958) and the restriction orders (ID–060–20 and ID–420–05) currently in place for the BLM Coeur d'Alene District pertaining to the underage possession and consumption of alcoholic beverages and the possession of an open container of alcohol in a motor vehicle.

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

The proposed supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. The proposed supplementary rules will not have an

effect of $100 million or more on the economy. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed supplementary rules do not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues. The rules govern conduct for public use of a limited selection of public lands and provide greater consistency with the Idaho State Code to protect public health and safety.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed supplementary rules clearly stated?

(2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?

(3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, *etc.*) aid or reduce their clarity?

(4) Would the proposed supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(5) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand? Please send any comments you have on the clarity of the proposed supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act

The BLM has determined that this proposed supplementary rule is administrative in nature, and is therefore categorically excluded from environmental review under section 102(2)(C) of NEPA, pursuant to 43 CFR 46.205 and 46.210(c) and (i). The proposed supplementary rule does not meet any of the 12 criteria for exceptions to categorical exclusions listed at 43 CFR 46.215. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental regulations, policies, and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules govern the conduct of the public using a limited area of public lands and should have no effect on business entities of any size. Therefore, the BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These proposed supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). They would not result in an effect on the economy of $100 million or more, an increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. These rules merely establish the rules of conduct for public use of a limited area of public lands and do not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These proposed supplementary rules do not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year; nor do these proposed supplementary rules have a significant or unique effect on State, local, or tribal governments or the private sector. These supplementary rules have no effect on state, local, or tribal governments and do not impose any requirements on any of these entities. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

These proposed supplementary rules do not have significant takings implications, nor are they capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that these rules will not cause a "taking" of private property or require preparation of a takings assessment.

Executive Order 13132, Federalism

The proposed supplementary rules will not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. The proposed supplementary rules do not conflict with any Idaho state law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these proposed supplementary rules do not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

The BLM has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The BLM has found that these supplementary rules do not include policies that have tribal implications. The supplementary rules prohibit the illegal use of alcoholic beverages and illegal drugs on public lands and do not involve Indian tribal rights.

Information Quality Act

The Information Quality Act (Section 515 of Pub. L. 106–554) requires Federal agencies to maintain adequate quality, objectivity, utility, and integrity of the information that they disseminate. In developing these supplementary rules, the BLM did not conduct or use a study,

experiment, or survey or disseminate any information to the public.

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

These proposed supplementary rules do not constitute a significant energy action. The proposed supplementary rules will not have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Author

The principal author of this supplementary rule is Keith McGrath, State Staff Law Enforcement Ranger, Bureau of Land Management.

For the reasons stated in the Preamble, and under the authority of 43 CFR 8365.1–6, the Idaho State Director, Bureau of Land Management, issues supplementary rules for public lands in Idaho, to read as follows:

Supplementary Rules for the State of Idaho

Definitions

Alcoholic beverage means any liquid or solid, patented or not, containing alcohol, spirits, or wine, and susceptible of being consumed by a human being, for beverage purposes, and containing more than 3 percent of alcohol by weight.

Alcohol means the product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, or synthetic ethyl alcohol.

Beer means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

Wine means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits (grapes, apples, *etc.*) or other agricultural products containing sugar (honey, milk, *etc.*).

Vehicle means any motorized transportation conveyance designed and licensed for use on roadways, such as an automobile, bus, or truck, and any motorized conveyance originally equipped with safety belts.

Off Highway Vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain. On public land administered by the BLM within the State of Idaho, you must not:

A. Violate any state laws relating to the purchase, possession, supply, use or consumption of alcohol;

B. Drink from or possess an open alcoholic beverage containers, including beer or wine containers, while operating or as a passenger in or on either a vehicle or off highway vehicle; and

C. Possess any drug paraphernalia in violation of any State law.

Penalties: On public lands under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

Peter J. Ditton,

Acting Idaho State Director.

[FR Doc. 2010–23719 Filed 9–21–10; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–1084–1087 (Review)]

Purified Carboxymethylcellulose From Finland, Mexico, Netherlands, and Sweden

AGENCY: United States International Trade Commission.

ACTION: Scheduling of full five-year reviews concerning the antidumping duty orders on purified carboxymethylcellulose from Finland, Mexico, Netherlands, and Sweden.

SUMMARY: The Commission hereby gives notice of the scheduling of a full review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on purified carboxymethylcellulose from Finland, Mexico, Netherlands, and Sweden would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* September 14, 2010.

FOR FURTHER INFORMATION CONTACT: Cynthia Trainor (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On September 7, 2010, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after

publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the reviews will be placed in the nonpublic record on January 26, 2011, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the reviews beginning at 9:30 a.m. on February 16, 2011, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 8, 2011. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 10, 2011, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony in camera no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is February 9, 2011. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is February 28, 2011; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before February 28, 2011. On April 1, 2011, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before April 5, 2011, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: September 15, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–23677 Filed 9–21–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that on August 26, 2010, an electronic version of a proposed Consent Decree was lodged in the United States District Court for the Southern District of Georgia in *United States* v. *Tronox Pigments (Savannah), Inc.,* No. 408–259. The Consent Decree settles the United States' claims against Tronox Pigments (Savannah), Inc. ("Tronox Pigments") for civil penalties and injunctive relief based on violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.* ("CAA") and implementing regulations, as well as a permit issued to Tronox Pigments by the State of Georgia pursuant to a State Implementation Plan ("Georgia SIP") approved by EPA pursuant to the CAA and a permit issued to Tronox Pigments under Title V of the CAA, 42 U.S.C. 7661–7661f ("CAA") and Georgia's Title V regulations; violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.* and implementing regulations; violations of the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.* and implementing regulations; and a violation of Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. 9603(a) and implementing regulations.

Under the terms of the proposed Consent Decree, Tronox Pigments will, among other things, apply for an amended Title V permit to include the air emissions limits contained in the consent decree upon any resumption of titanium dioxide production at the Savannah facility. The consent decree requires Tronox to continue performing a RCRA investigation and cleanup under State supervision, including addressing the new areas of noncompliance identified by EPA. For CWA compliance, Tronox Pigments will complete the excavation of the ditch system. Tronox Pigments and its affiliates have filed for bankruptcy protection under Chapter 11 of the Bankruptcy Code, and under the consent decree a civil penalty of $4.2 million will be treated as an allowed claim. The consent decree resolves the litigation filed in the Southern District of Georgia.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed 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 *United States* v. *Tronox Pigments (Savannah), Inc.,* No. 408–259 and DOJ No. 90–5–2–1–09052.

The Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Georgia, 100 Bull Street, 2nd Floor, Savannah, Georgia 31401. During the public comment period, the Consent Decree may also be examined on the following Department of Justice: *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 in the amount of $11.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–23604 Filed 9–21–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 16, 2010, a proposed consent decree in *United States* v. *Hercules Inc., et al.,* Civil Action No. 10–412, was lodged with the United States District Court for the Western District of Virginia.

In this action the United States sought the performance of response actions or the recovery of response costs incurred by the United States at the Kim-Stan Landfill Superfund Site ("Site") near Selma, in Alleghany County, Virginia. The consent decree resolves the liability of Hercules Inc.; Honeywell International, Inc.; MeadWestvaco Corp.; and MeadWestvaco Virginia Corp; under Sections 106 and 107 of Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607, with respect to the Site, subject to terms and conditions set forth in the consent decree. The proposed consent decree would require defendants to pay, collectively, $1.9 million in reimbursement of response costs incurred by the United States.

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 *United States* v. *Hercules Inc.,* D.J. Ref. 90–11–2–06916/2.

The consent decree may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or 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 in the amount of $6.00 (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 Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–23602 Filed 9–21–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the revision of the "The Consumer Expenditure Surveys: The Quarterly Interview and the Diary." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before November 22, 2010.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (*See* **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Consumer Expenditure (CE) Surveys collect data on consumer expenditures, demographic information, and related data needed by the Consumer Price Index (CPI) and other public and private data users. The continuing surveys provide a constant measurement of changes in consumer expenditure patterns for economic analysis and to obtain data for future CPI revisions. The CE Surveys have been ongoing since 1979.

The data from the CE Surveys are used (1) for CPI revisions, (2) to provide a continuous flow of data on income and expenditure patterns for use in economic analysis and policy formulation, and (3) to provide a flexible consumer survey vehicle that is available for use by other Federal Government agencies. Public and private users of price statistics, including Congress and the economic policymaking agencies of the Executive branch, rely on data collected in the CPI in their day-to-day activities. Hence, data users and policymakers widely accept the need to improve the process used for revising the CPI. If the CE Surveys were not conducted on a continuing basis, current information necessary for more timely, as well as more accurate, updating of the CPI would not be available. In addition, data would not be available to respond to the continuing demand from the public and private sectors for current information on consumer spending.

In the Quarterly Interview Survey, each consumer unit (CU) in the sample is interviewed every three months over

five calendar quarters. The sample for each quarter is divided into three panels, with CUs being interviewed every three months in the same panel of every quarter. The Quarterly Interview Survey is designed to collect data on the types of expenditures that respondents can be expected to recall for a period of three months or longer. In general the expenses reported in the Interview Survey are either relatively large, such as property, automobiles, or major appliances, or are expenses which occur on a fairly regular basis, such as rent, utility bills, or insurance premiums.

The Diary (or recordkeeping) Survey is completed at home by the respondent family for two consecutive one-week periods. The primary objective of the Diary Survey is to obtain expenditure data on small, frequently purchased items which normally are difficult to recall over longer periods of time.

II. Current Action

Office of Management and Budget clearance is being sought for the Consumer Expenditure Surveys: The Quarterly Interview and the Diary.

The continuing CE Surveys provide a constant measurement of changes in consumer expenditure patterns for economic analysis and obtain data for future CPI revisions.

The Consumer Expenditure Quarterly Interview Survey has recently undergone a thorough review. The proposed changes from this review fall into two major categories: Streamlining the current questions in several sections and updating several questions and sections to reflect the current marketplace. In the streamlining category, the BLS deleted or collapsed obsolete questions. For example, previously clothing purchases were asked separately for those over and under two years old. These questions were combined into one section for all clothing purchases. Sewing products were moved to 'Miscellaneous Expenditures' after 'arts and crafts.'

To keep the survey current and to fulfill the requirements of the Consumer Price Index (CPI), question wording changed and new items were added. For example, additional questions were added to collect more detailed information on whether rental payments include services such as cable, Internet, or household furnishings; and to determine whether business properties are residential or commercial. Changes were made to keep the survey current with products and services available in the marketplace and to provide better data for analytical purposes such as the addition of electronic book readers.

Minor changes to the Diary CAPI instrument are proposed for 2011. The changes include minor updates to the race and origin questions asked of each Consumer Unit member.

In addition, the BLS proposes the addition of a "research section" to the CEQ CAPI instrument. This section will be used to gather information from respondents on a range of topics being studied. The intent is that any particular set of questions in this section will not be asked for more than one year. Initially this section will be used to collect outlet data for five broad categories of expenditures: Electronics, music, clothing, restaurant food, and groceries as well as one question on whether or not the household has a working landline phone. These data are being collected by CE on behalf of the CPI to aid in their research into bias in the Telephone Point of Purchase Survey (TPOPS), given that the TPOPS sample consists of only landline telephone numbers. Respondents will be asked a maximum of twelve questions. These questions will be asked for all interviews for one calendar quarter of data collection. This particular test is not intended to determine the feasibility of collecting outlet data in the CE Interview survey on a long term basis.

A full list of the proposed changes to the Quarterly Interview Survey and Diary Survey are available upon request.

In addition to the TPOPS test, the Consumer Expenditure program is planning several tests over the next several years in an effort to improve the CE surveys in the areas of both data quality and respondent burden.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: The Consumer Expenditure Surveys: The Quarterly Interview and the Diary.

OMB Number: 1220–0050.

Affected Public: Individuals or Households.

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated total burden
CEQ—Interview	8,825	4	35,300	60	35,300
CEQ—Reinterview	4,400	1	4400	10	733
CED—Diary (record-keeping)	7,050	2	14,100	105	24,675
CED—Diary (Interview)	7,050	3	21,150	25	8,813
CED—Diary (Reinterview)	1,400	1	1,400	10	233
Totals			76,350		69,754

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 also will become a matter of public record.

Signed at Washington, DC, this 14th day of September 2010.

Kimberley Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2010–23663 Filed 9–21–10; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Revision; Notice of the Advisory Committee on Apprenticeship (ACA) Open Meeting and New Members

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: On September 16, 2010, the Employment and Training Administration published a Notice announcing an Open Meeting of the Advisory Committee on Apprenticeship (ACA) and identifying the members of the Committee. 75 FR 56578. The title and text of the notice mistakenly included the phrase "Renewal of the Advisory Committee on Apprenticeship (ACA)" which may have inadvertently confused the intention of the notice. We are publishing a Notice of revision today to clarify that the Committee and its Charter have not been renewed; the current members were appointed, and the meeting is being conducted, under the 2009 ACA Charter.

FOR FURTHER INFORMATION CONTACT: John V. Ladd, Administrator, Office of Apprenticeship, ETA, U.S. Department of Labor, Room N–5311, 200 Constitution Avenue, NW., Washington, DC *Telephone:* (202) 693–2796 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 16, 2010, the Employment and Training Administration published a Notice announcing an Open Meeting of the Advisory Committee on Apprenticeship (ACA) and identifying the members of the Committee. 75 FR 56578. The title and summary of the notice mistakenly included the word renewal which may have inadvertently confused the intention of the notice.

The title of the notice published on September 16, 2010 should have read: "Notice of the Advisory Committee on Apprenticeship (ACA), Members and an Open Meeting. The use of the word Renewal in the title and in the Summary of the Notice should not be read to imply that the Committee Charter has been recently renewed. The current 2009 ACA charter remains in effect and is not being renewed at this time. We are publishing a Notice of revision today to clarify that the Committee and its Charter have not been renewed; the current members were appointed, and the meeting is being conducted, under the 2009 ACA Charter.

Consistent with the Federal Advisory Committee Act (FACA) requirement to publish a timely notice of the ACA meeting, the September 16, 2010 **Federal Register** Notice, as clarified by this notice of clarification, serve as public notice of the open meeting being held on October 27–28, 2010.

Signed at Washington, DC, this 16th day of September, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010–23613 Filed 9–21–10; 8:45 am]

BILLING CODE 4510–FR–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 collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before October 22, 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 24, 2010 (75 FR 36122 and 36123). 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 information collection 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: OGIS Request for Assistance and Consent.

OMB number: 3095–00XX.

Agency form number: NA Forms 10003 and 10004.

Type of review: Regular.

Affected public: Individuals or households, Business or other for-profit, Not-for-profit institutions, and Federal Government.

Estimated number of respondents: 600.

Estimated time per response: 1 minute.

Frequency of response: On occasion.

Estimated total annual burden hours: 10 hours.

Abstract: In order to fulfill its government-wide statutory mission, OGIS provides varying types of assistance to its customers, which requires communicating with government departments and agencies regarding the customers' FOIA/Privacy Act request/appeal. Handling requests for OGIS assistance must conform to the legal requirements of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. Authority for the requirements set forth in these forms is also contained in 5 U.S.C. 552a(b). OGIS will use the information submitted in the proposed forms to provide the requested assistance. Without the

information submitted in these forms, OGIS would be unable to fulfill its mission.

Dated: September 14, 2010.

Charles K. Piercy,

Acting Assistant Archivist for Information Services.

[FR Doc. 2010–23729 Filed 9–21–10; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Administration Restoration Plan

AGENCY: National Credit Union Administration (NCUA).

ACTION: Approval of National Credit Union Administration restoration plan.

On September 16, 2010, the National Credit Union Administration (NCUA) implemented a Restoration Plan for the National Credit Union Share Insurance Fund (NCUSIF). The Restoration Plan consists of the assessment of a premium of 0.1242 percent of insured shares that will increase the equity ratio of the NCUSIF to over 1.20 percent.

As of August 31, 2010, increased loss provisions resulted in a decline in the NCUSIF's equity ratio to 1.176 percent. Because the equity ratio of the NCUSIF declined below 1.20 percent, NCUA must establish and implement a plan to restore the equity ratio to 1.20 percent. Absent extraordinary circumstances, the equity ratio must be restored to 1.20 percent before the end of an 8-year period beginning upon the implementation of the plan. The premium will achieve this requirement.

The economy continues to present a challenge for the financial services sector. Housing remains a risk as foreclosures mount. While the credit cycle appears to have troughed, the level of delinquent loans, charge-offs, and foreclosed real estate in federally insured credit unions remains elevated.

The credit union CAMEL ratings reflect the risk of loss associated with individual credit unions.[1] As of June 30, 2010, there were 366 federally insured credit unions with total assets of $48.8 billion designated as problem institutions for safety and soundness purposes (defined as those credit unions having a composite CAMEL rating of "4" or "5"), compared to 291 problem institutions with total assets of $28 billion on June 30, 2009. The trend reflects both an increase in the total number of problem credit unions and the size of problem credit unions. Additionally, the number and asset size of CAMEL "3" rated credit unions increased. As of June 30, 2010, there were 1,739 CAMEL "3" rated credit unions with total assets of $149.8 billion compared to 1,485 credit unions with total assets of $86 billion on June 30, 2009. The reserve for insurance fund losses has increased as a direct result of the shift to more adverse CAMEL codes.

The premium of 0.1242 percent of insured shares will increase the equity of the NCUSIF to 0.30 percent of June 30, 2010 insured shares. Based on reasonable assumptions for losses, insured share growth, and expenses, the premium will maintain the NCUSIF's equity level well above the 1.20 percent minimum level through at least June 30, 2011.

NCUA will closely monitor the actual equity ratio and six month projections for the equity ratio. If needed to maintain the equity ratio of the NCUSIF above 1.20 percent, the NCUA Board will consider additional premiums after evaluation of the condition of the NCUSIF and federally insured credit unions.

By the National Credit Union Administration Board on September 16, 2010.

Mary Rupp,

Secretary of the Board.

[FR Doc. 2010–23661 Filed 9–21–10; 8:45 am]

BILLING CODE 7535–01–P

[1] The CAMEL composite rating represents the adequacy of Capital, the quality of Assets, the capability of Management, the quality and level of Earnings, and the adequacy of Liquidity, and ranges from "1" (strongest) to "5" (weakest).

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034 and 52–035; NRC–2008–0594]

Luminant Generation Company, LLC.; Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR), § 50.71(e)(3)(iii) for the Comanche Peak Nuclear Power Plant (CPNPP), Units 3 and 4, Combined License (COL) Application, Docket Numbers 52–034 and 52–035, submitted by Luminant Generation Company, LLC. (Luminant) for the proposed facility to be located in Somervell County, Texas. In accordance with 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment—Identification of the Proposed Action

The proposed action is a one-time schedule exemption from the requirements of 10 CFR 50.71(e)(3)(iii). During the period from the docketing of a COL application until the NRC makes a finding under 10 CFR 52.103(g) pertaining to facility operation, Luminant must, pursuant to 10 CFR 50.71(e)(3)(iii), submit an annual update to the Final Safety Analysis Report (FSAR). The proposed exemption would allow Luminant to submit its COL application FSAR update, currently due in November 2010, on or before June 30, 2011, and to submit the subsequent FSAR update in June, 2012. The current FSAR update schedule could not be changed, absent the exemption. The NRC is authorized to grant the exemption pursuant to 10 CFR 50.12.

The proposed action is in accordance with Luminant's request dated July 28, 2010, and can be found in the Agencywide Documents Access and Management System (ADAMS) under accession number ML102110179.

Need for the Proposed Action

The proposed action is needed to provide Luminant sufficient time to fully incorporate into the COL application FSAR update, Revision 3 of the United States—Advanced Pressurized Water Reactor (US–APWR) Design Control Document (DCD), which Mitsubishi Heavy Industries Ltd. plans to submit to the NRC on or before March 31, 2011. The CPNPP, Units 3 and 4, COL application references the US–APWR DCD. Luminant has requested a one-time exemption from the requirements specified in 10 CFR 50.71(e)(3)(iii) in order to reduce the burden associated with identifying all committed changes that were made to the DCD, since Revision 2 to the US–APWR DCD.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no environmental impacts associated with the proposed exemption. The proposed exemption is solely administrative in nature in that it pertains to the schedule for submittal to the NRC of revisions to a COL application under 10 CFR Part 52.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no

significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action. Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any different resources than those previously considered in the Draft Environmental Impact Statement related to the CPNPP, Units 3 and 4, COL Application dated August 6, 2010.

Agencies and Persons Consulted

On August 25, 2010, the NRC staff consulted with officials from the Texas Department of State Health Services (DSHS) regarding the environmental impact of the proposed action. The representative from the Texas DSHS had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see Luminant's letter dated July 28, 2010. 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 O1 F21, 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.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or via e-mail at *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 16th day of September 2010.

For the Nuclear Regulatory Commission.

Stephen R. Monarque,

Project Manager, US–APWR Projects Branch, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2010–23680 Filed 9–21–10; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62910; File No. SR–C2–2010–003]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Certain Application-Related Fees

September 14, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on September 10, 2010, C2 Options Exchange, Incorporated (the "Exchange" or "C2") 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

C2 proposes to adopt application fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary, and at the Commission.

[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, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt application-related fees for C2 Options Exchange, Inc. C2 anticipates launching in mid/late October, 2010. In connection with the commencement of trading on C2, the Exchange intends to begin accepting applications for C2 trading permits in the very near future. As part of the application process, C2 intends to charge applicant organizations a $4,000 application fee, and sole-proprietor applicants a $2,500 application fee. Existing Chicago Board Options Exchange, Incorporated ("CBOE") permit holders applying for C2 trading permits will not be charged an application fee since nearly all of the necessary application processing required by the Exchange has already been conducted with respect to those CBOE permit holders. In fact, existing CBOE permit holders, pursuant to C2 Rule 3.1(c)(1) are not required to complete and submit an Exchange application. C2 notes that costs associated with utilizing a C2 trading permit (*e.g.* a market-maker permit) would apply equally to CBOE permit holder [sic] and non-CBOE permit holders.

In connection with the application process, certain application-related fees that are in place at CBOE will also be adopted by C2. Specifically, fees for applicants seeking to conduct a public customer business ($2,500), fees for associated persons ($350), joint account applicant fees ($1,000)[3], permit renewal fees ($2,000 for organizations and $500 for sole proprietors), fees associated with statutory disqualification and Rule 19h-1 processing ($2,750 and $1,650

[3] This fee is payable for each application to establish a new joint account.

respectively)[4], exam fees ($500), permit transfer fees ($500), and fingerprint fees ($50) are all being adopted. The proposed fee levels are comparable to those in place at CBOE. For the reasons stated above, these fees, with the exception of renewal fees (which are applicable on subsequent one-year anniversaries of C2 "membership"), statutory disqualification fees, Rule 19h–1 change in status fees, exam fees, permit transfer fees, and fingerprint fees will not be charged to CBOE permit holders seeking to trade on C2.

The changes will take effect on September 13, 2010.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[5] in general, and furthers the objectives of Section 6(b)(4)[6] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among C2 members and other persons using its facilities. C2 notes that applicants, depending on whether they are organizations or sole-proprietors, will all be charged fixed fees which is [sic] intended to offset the Exchange's costs of processing the permit holder applications and application-related matters, and that the proposed fee amounts are comparable to those charged by CBOE.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change is designated by the Exchange as establishing or changing a due, fee, or other charge, thereby qualifying for effectiveness on filing pursuant to Section 19(b)(3)(A)(ii)[7] of the Act and subparagraph (f)(2) of Rule 19b–4[8] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–C2–2010–003 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–C2–2010–003. 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 website 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–C2–2010–003 and should be submitted on or before October 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–23595 Filed 9–21–10; 8:45 am]

BILLING CODE 8010–01–P

[4] The statutory disqualification fee is payable whenever a person or entity is subject to a statutory disqualification under the Securities Exchange Act of 1934 and: (i) Is an applicant for Exchange membership, (ii) is seeking to be an associated person of an Exchange member (except where the Exchange is merely asked to concur in an SEC Rule 19h–1 filing by another self regulatory organization), or (iii) is an existing Exchange member or associated person who makes an application in accordance with Rule 3.5 or with respect to whom a proceeding is initiated pursuant to Rule 3.5. This fee is in addition to any other membership fees that might be applicable. The Rule 19h–1 Change in Status Fee is payable whenever a person or entity, on whose behalf the Exchange has filed a Rule 19h–1 filing that has been approved by the SEC, applies for a change in status that requires the Exchange to file an amended or additional Rule 19h–1 filing, if the Exchange approves the requested change in status. This fee is in addition to any other membership fees that might be applicable.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62925; File No. SR–NASDAQ–2010–096]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval to a Proposed Rule Change Relating to the National Quotation Dissemination Service

September 16, 2010.

I. Introduction

On August 2, 2010, The NASDAQ Stock Market LLC ("NASDAQ" or "Exchange") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NASDAQ Rule 7017(b) to re-establish retroactively from January 1, 2008, a pilot program reducing the monthly fee that non-professional users pay to receive the National Quotation Dissemination Service ("NQDS") from $50 to $10. The proposed rule change was published for comment in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Federal Register on August 9, 2010.[3] The Commission received no comment letters on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

NASDAQ is proposing to re-establish retroactively from January 1, 2008 through July 27, 2010,[4] the fee reduction pilot program that reduced the monthly fee that non-professional users pay to receive NQDS from $50 to $10, to correct for the lapse in the pilot and to prevent the collection of the additional $40 in monthly fees from investors for the period during which the pilot had lapsed.[5] Prior to August 31, 2000, NQDS data was available through authorized vendors at a monthly rate of $50 for professionals and non-professionals users alike. In August 2000, NASDAQ filed a proposed rule change to reduce from $50 to $10 the monthly fee that non-professional users pay to receive NQDS data. The Commission approved the pilot on August 22, 2000, and the fee reduction commenced on August 31, 2000 on a one-year pilot basis.[6] On September 5, 2001, August 30, 2002, August 18, 2003, August 23, 2004, January 24, 2006, and March 29, 2007, NASDAQ filed proposed rule changes to extend the pilot for additional one-year periods.[7]

NASDAQ believes that continuing the reduction of NQDS for non-professional users demonstrates NASDAQ's continued commitment to provide data to non-professional market participants and individual investors.

III. Discussion and Commission Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[8] In particular, it is consistent with Section 6(b)(4) of the Act,[9] which requires that the rules of a national securities exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other parties using its facilities, and Section 6(b)(5) of the Act,[10] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Commission also finds that the proposed rule change is consistent with the provisions of Section 6(b)(8) of the Act,[11] which requires that the rules of an exchange not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Finally, the Commission finds that the proposed rule change is consistent with Rule 603(a) of Regulation NMS,[12] adopted under Section 11A(c)(1) of the Act, which requires an exclusive processor that distributes information with respect to quotations for or transactions in an NMS stock to do so on terms that are fair and reasonable and that are not unreasonably discriminatory.[13]

The Commission notes that the proposed rule change involves the retroactive application of a fee reduction pilot that benefits non-professional market participants and that has been in effect in practice since 2000. The Commission approved the reduced fee pilot at its inception in 2000, and subsequently extended the pilot as cited above. NASDAQ charged the reduced fee, although its NQDS fee reduction pilot had expired, during the period from January 1, 2008 through July 27, 2010, at which time NASDAQ filed an immediately effective proposal that made the reduced NQDS fee for non-professionals permanent. The Commission notes that no comments were received from any market participants, including NASDAQ members, information vendors, investors, non-professionals, or any other interested parties, on the initial pilot filing in 2000, on any of the pilot's extensions, on the immediately effective filing for permanent approval of the reduced fee, or on this filing. For the reasons discussed above, the Commission believes that retroactive approval of the fee reduction pilot from January 1, 2008 is appropriate.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–NASDAQ–2010–096), be, and it hereby is, approved.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–23631 Filed 9–21–10; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* Securities Exchange Act Release No. 62629 (August 3, 2010), 75 FR 47871 ("Notice").

[4] On July 27, 2010, NASDAQ filed a proposed rule change to make the pilot fee reduction permanent. *See* Securities Exchange Act Release No. 62614 (July 30, 2010), 75 FR 47668 (August 6, 2010).

[5] NQDS is a proprietary data product that contains the best bid and offer quotation of each registered market maker quoting in NASDAQ-listed securities on the NASDAQ Stock Market. NQDS data is used not only by firms, associated persons, and other market professionals, but also by non-professionals who receive the service through authorized vendors, including, for example, on-line brokerage firms. For a more detailed discussion of NQDS, *see* Notice.

[6] *See* Securities Exchange Act Release No. 43190 (August 22, 2000), 65 FR 52460 (August 29, 2000).

[7] *See* Securities Exchange Act Release Nos. 44788 (September 13, 2001), 66 FR 48303 (September 19, 2001); 46446 (August 30, 2002), 67 FR 57260 (September 9, 2002); 48386 (August 21, 2003), 68 FR 51618 (August 27, 2003); 50318 (September 3, 2004), 69 FR 54821 (September 10, 2004); 53531 (March 21, 2006), 71 FR 15506 (March 28, 2006); and 55668 (April 25, 2007), 72 FR 24347 (May 2, 2007).

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(8).

[12] 17 CFR 242.603(a).

[13] NASDAQ is an exclusive processor of its NQDS data under Section 3(a)(22)(B) of the Act, 15 U.S.C. 78c(a)(22)(B), which defines an exclusive processor as, among other things, an exchange that distributes data on an exclusive basis on its own behalf.

[14] 15 U.S.C. 78s(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62909; File No. SR–BX–2010–063]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding the CBOE Volatility Index Futures to the Definition of a Futures Reference Asset in Chapter IV, Section 3(k)(i)(5)

September 14, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 8, 2010, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter IV, Section 3 (Criteria for Underlying Securities) of the Rules of the Boston Options Exchange Group, LLC ("BOX") to permit options on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Futures-Linked Securities to be based on products linked to CBOE Volatility Index Futures ("VIX Futures"). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://nasdaqomxbx.cchwallstreet.com/NASDAQOMXBX/Filings/.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Chapter IV, Section 3(k) of the BOX Rules designates the listing and trading of options on equity index-linked securities ("Equity Index-Linked Securities", "Commodity-Linked Securities", "Currency-Linked Securities", "Fixed Income Index-Linked Securities", "Futures-Linked Securities" and "Multifactor Index-Linked Securities", collectively known as "Index-Linked Securities") that are principally traded on a national securities exchange and are defined as an "NMS Stock" (as defined in Rule 600 of Regulation NMS under the Securities and [sic] Exchange Act of 1934). BOX proposes to amend the definition of Futures-Linked Securities for the trading of options on Index-Linked Securities to include products linked to CBOE Volatility Index (VIX) Futures.

Specifically, the Exchange proposes to add the CBOE Volatility Index (VIX) Futures to the definition of a Futures Reference Asset in Chapter IV, Section 3(k)(i)(5) of the BOX Rules.

Index-Linked Securities are designed for investors who desire to participate in a specific market segment by providing exposure to one or more identifiable underlying securities, commodities, currencies, derivative instruments or market indexes of the foregoing ("Underlying Index" or "Underlying Indexes"). Index-Linked Securities are the non-convertible debt of an issuer that have a term of at least one (1) year but not greater than thirty (30) years. Despite the fact that Index-Linked Securities are linked to an underlying index, each trades as a single, exchange-listed security. Accordingly, rules pertaining to the listing and trading of standard equity options apply to Index-Linked Securities.

Currently, the Exchange will consider listing and trading options on Index-Linked Securities provided the Index-Linked Securities meet the criteria for underlying securities set forth in Chapter IV, Section 3(a)–(b) of the BOX Rules.

Index-Linked Securities must meet the criteria and guidelines for underlying securities set forth in Chapter IV, Section 3(b) of the BOX Rules; or the Index-Linked Securities must be redeemable at the option of the holder at least on a weekly basis through the issuer at a price related to the applicable underlying Reference Asset.[3] In addition, the issuing company is obligated to issue or repurchase the securities in aggregation units for cash or cash equivalents satisfactory to the issuer of Index-Linked Securities which underlie the option as described in the Index-Linked Securities prospectus.

Options on Index-Linked Securities will continue to be subject to all BOX rules governing the trading of equity options. The current continuing or maintenance listing standards for options traded on BOX will continue to apply.

The VIX

The information in this filing relating to the VIX was taken from the Web site of the Chicago Board Options Exchange (the "CBOE").

The VIX was originally developed by the CBOE in 1993 and was calculated using S&P 100® Index options. The current methodology for the VIX was introduced by the CBOE in September 2003 and it is now an index that uses the quotes of certain S&P 500® Index ("SPX") option series to derive a measure of the volatility of the U.S. equity market. The VIX measures market expectations of near term volatility conveyed by the prices of options on the SPX. It provides investors with up-to-the-minute market estimates of expected stock market volatility over the next 30 calendar days by extracting implied volatilities from real-time index option bid/ask quotes.

VIX Futures

Information regarding VIX Futures can be found on the Web site of the CBOE Futures Exchange (the "CFE"). The CFE began listing and trading VIX Futures since March 26, 2004 under the ticker symbol VX. VIX Futures trade between the hours of 8:30 a.m.–3:15 p.m. Central Time (Chicago Time).

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[4] in general, and Section 6(b)(5) of the Act,[5] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, Exchange believes that the proposed rules applicable to trading pursuant to generic listing and trading criteria, together with the Exchange's surveillance procedures applicable to trading in the securities covered by the proposed rules, serve to foster investor protection.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent

[3] For the purposes of Chapter IV, Section 3(k) of the BOX Rules, Equity Reference Assets, Commodity Reference Assets, Currency Reference Assets, Fixed Income Reference Assets, Futures Reference Assets together with Multifactor Reference Assets, collectively will be referred to as "Reference Assets", as defined in Chapter IV, Section 3(k)(ii) of the BOX Rules.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the Exchange can list and trade options on Futures-Linked Securities linked to CBOE VIX Futures immediately. The Commission believes that waiving the 30-day operative delay to permit the Exchange to list and trade options on Futures-Linked Securities linked to CBOE VIX Futures without delay is consistent with the protection of investors and the public interest.[8] The Commission notes the proposal is substantively identical to proposals that were recently approved by the Commission, and does not raise any new regulatory issues.[9] For these reasons, the Commission designates the proposed rule change as operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[8] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] *See* Securities Exchange Act Release No. 60857 (Oct. 21, 2009), 74 FR 55611 (Oct. 28, 2009) (SR–CBOE–2009–074); *See also* Securities Exchange Act Release No. 60822 (Oct. 14, 2009), 74 FR 54114 (Oct. 21, 2009) (SR–NYSEArca–2009–77); and Securities Exchange Act Release No. 60823 (Oct. 14, 2009), 74 FR 54112 (Oct. 21, 2009) (SR–NYSEAmex–2009–59).

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–BX–2010–063 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–BX–2010–063. 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 website (*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 website 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.[10] 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–BX–2010–063 and should be submitted on or before October 13, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–23603 Filed 9–21–10; 8:45 am]

BILLING CODE 8010–01–P

[10] The text of the proposed rule change is available on the Commission's Web site at *http://www.sec.gov.*

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 7182]

Culturally Significant Objects Imported for Exhibition Determinations: "Artifacts From Auschwitz-Birkenau"

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 "Artifacts from Auschwitz-Birkenau," 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 Los Angeles Museum of the Holocaust, Los Angeles, CA, from on or about October 14, 2010, until on or about October 13, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 16, 2010.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–23687 Filed 9–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7181]

Culturally Significant Objects Imported for Exhibition Determinations: "Ancient Chinese Bronzes From the Shouyang Studio: The Katherine and George Fan Collection"

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 "Ancient Chinese Bronzes from the Shouyang Studio: The Katherine and George Fan Collection," 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 Art Institute of Chicago, Chicago, Illinois, from on or about November 5, 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: September 16, 2010.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–23694 Filed 9–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7180]

Culturally Significant Objects Imported for Exhibition Determinations: "On Line: Drawing Through the Twentieth Century"

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 "On Line: Drawing Through the Twentieth Century," 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 Museum of Modern Art, New York, New York, from on or about November 21, 2010, until on or about February 7, 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: September 16, 2010.

Ann Stock,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010–23691 Filed 9–21–10; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 7179]

Determination and Certification Related to Colombian Armed Forces Under Section 7046(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Division F, Pub. L. 111–117)

Pursuant to the authority vested in the Secretary of State, including under section 7046(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, Pub. L. 111–117) ("FY 2010 SFOAA"), I hereby determine, certify, and report that the Colombian Armed Forces are meeting the conditions contained in section 7046(b)(1)(B) and section 7046(b)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, Pub. L. 111–8) ("FY 2009 SFOAA").

Pursuant to section 7046(b) of the FY 2010 SFOAA, the Department of State has periodically consulted with Colombian and internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the above-mentioned conditions, as provided in section 7046(c) of the FY 2009 SFOAA.

This Determination and Certification shall be published in the **Federal Register**, and copies shall be transmitted to the appropriate committees of Congress.

Dated: September 9, 2010.

James B. Steinberg,

Deputy Secretary of State.

[FR Doc. 2010–23696 Filed 9–21–10; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice 7175]

Notice of Public Meeting and Opportunity To Submit Written Comments Concerning the Administration's Review of the U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises

SUMMARY: The Department of State, which serves the function of the U.S. National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (MNE), is soliciting written comments and will hold a public meeting concerning the Administration's review of the U.S. NCP. The key question is whether the current structure and practices of the U.S. NCP effectively achieve the objectives of the OECD Guidelines for MNEs or whether there are changes that should be made. NCPs operate according to OECD procedural guidance.

DATES: The public meeting will be held on Tuesday, November 2, 2010, from 9 a.m. to 12 noon (or until business is concluded) in the George Marshall Auditorium of the Harry S. Truman Building of the Department of State. Representatives from the Department of State's Bureau of Economic, Energy, and Business Affairs will chair the meeting. The deadline for registration to attend the meeting is Friday, October 22 (details below). To provide for efficient conduct of the meeting, persons wishing to speak are requested to indicate this upon registering and to provide a copy of their prepared remarks or a summary prior to the meeting. Speakers will be asked to limit their remarks to five minutes.

Input may also be provided in writing. Written comments submitted under this notice are due by 5 p.m. on Friday, November 5 and should be sent by e-mail to *input@state.gov* or, if needed, by fax to (202) 647–0320. Please note that all comments submitted under this notice will be posted on *http://www.regulations.gov* and will be accessible to the general public.

ADDRESSES: To gain admission to the Department of State for the meeting, please register by 5 p.m. on Friday,

October 22 with the following information, which will be used to expedite admission to the Truman Building:

- Full name.
- Date of birth.
- Either driver's license state and number or passport number.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Privacy Impact Assessment for VACS–D at *http://www.state.gov/documents/organization/100305.pdf* for additional information.

We also request that registration include the organization, agency, or company affiliation of each individual (if applicable) and any requests for reasonable accommodation. Requests made after October 22 will be considered, but might not be possible to fulfill. To support full and effective participation of persons with disabilities, the George Marshall Auditorium is equipped with wheelchair-accessible ramps. Registration information should be sent by e-mail to *input@state.gov* or by fax to (202) 647–0320. The Truman Building is located at 2201 C Street, NW., Washington, DC 20520. Those attending the November 2 public meeting must enter the State Department through the 21st Street Entrance (near the corner of Virginia Avenue and 21st Street) and allow sufficient time to clear security and badging.

FOR FURTHER INFORMATION CONTACT: Janet Shannon, State Department U.S. NCP Review Coordinator, at *input@state.gov* or (202) 647–9453.

SUPPLEMENTARY INFORMATION: The Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises ("the Guidelines") constitute a set of voluntary recommendations to multinational enterprises on general principles and policies that OECD adhering Governments agree constitute responsible business conduct, including separate chapters on information disclosure, employment and industrial relations, environment, combating bribery, consumer interests, science and technology, competition, and taxation.

OECD members and other governments that have adhered to the OECD Declaration on International Investment and Multinational Enterprises, which includes the Guidelines, are obligated to establish a national contact point for the purpose of promoting the Guidelines among multinational enterprises operating in and from its territories, serving as a clearing house for inquiries and comments about implementation of the Guidelines, and discussing with concerned parties matters covered by the Guidelines.

The OECD established in 2000 procedural guidance to assist NCPs in meeting their responsibilities. This guidance is set out in the "Decision of the Council on the OECD Guidelines for Multinational Enterprises." For this and additional information about the role and function of the U.S. NCP, please see the State Department Web site (*http://www.state.gov/usncp/*) and for more general information on the role of NCPs, the OECD Web site (*http://www.oecd.org/document/60/0,3343,_2649_34889_1933116_1_1_1_1,00.html*).

Dated: September 10, 2010.

Gregory N. Hicks,

Acting Director, Office of Investment Affairs, Department of State.

[FR Doc. 2010–23698 Filed 9–21–10; 8:45 am]

BILLING CODE 4710–07–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Committee of Chairs of the Industry Trade Advisory Committees (ITACs)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a partially opened meeting.

SUMMARY: The Committee of Chairs of the Industry Trade Advisory Committees (ITACs) will hold a meeting on Tuesday, October 12, 2010, from 9:30 a.m. to 12:15 p.m. The meeting will be closed to the public from 9:30 a.m. to 11:15 a.m. and opened to the public from 11:30 a.m. to 12:15 p.m.

DATES: The meeting is scheduled for October 12, 2010, unless otherwise notified.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Room 4830, located at 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ingrid Mitchem, Designated Federal Officer for ITAC Committee of Chairs, (202) 482–3268, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The Agenda for the open portion of the meeting will be a Discussion and Deliberation on the Draft Report of the ITAC Committee of Chairs on the Appropriate Scope of Viewpoints to be Represented on the Industry Trade Advisory Committees (ITACs). The Agenda for the closed portion of the meeting will be the Trade Policy Agenda, including discussion of ongoing negotiations and trade strategies.

Myesha Ward,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement.

[FR Doc. 2010–23587 Filed 9–21–10; 8:45 am]

BILLING CODE 3190–W0–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aviation Maintenance Technical Schools

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collected is needed to determine applicant eligibility and compliance for certification of Civil Aviation mechanics and operation of aviation mechanic schools.

DATES: Written comments should be submitted by November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 267–9895, or by e-mail at: *Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0040.

Title: Aviation Maintenance Technical Schools.

Form Numbers: FAA Form 8310–6.

Type of Review: Renewal of an information collection.

Background: 49 U.S.C. 44707 empowers the Administrator of the FAA to examine and rate air agencies. FAR Part 147 implements the provisions of the sections of that law by prescribing the requirements for issuing aviation

maintenance technician school certificates and associated ratings and the general operating rule for the holders of those certificates and ratings. The collection of information (application or a certificate and rating) is necessary to ensure that Aviation Maintenance Technician Schools meet the minimum requirements for procedures and curriculum set forth by the FAA in FAR part 147. Applicants submit FAA Form 8310–6, Aviation Maintenance Technician School certificate and Ratings Application, to the appropriate FAA district office for review. If the application (including supporting documentation) is satisfactory, an on-site inspection is conducted. When all FAR part 147 requirements have been met, an aviation maintenance technician school certificate with appropriate ratings is issued.

Respondents: Approximately 174 representatives of aviation maintenance technician schools.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 3.17 hours.

Estimated Total Annual Burden: 66,134 hours.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Scott, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on September 15, 2010.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–23637 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: NAS Data Release Request

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information enables the FAA to evaluate the validity of the user's request for National Airspace (NAS) data from FAA systems and equipment.

DATES: Written comments should be submitted by November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 267–9895, or by e-mail at: *Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0668.

Title: NAS Data Release Request.

Form Numbers: FAA Form 1200–5.

Type of Review: Renewal of an information collection.

Background: This data collection is the genesis for granting approval to release filtered NAS data. The information provided sets the criteria for the FAA Data Release Request Committee (DRRC) to approve or disapprove individual requests for NAS data. The information submitted by the requestor determines the requestor's eligibility to use FAA NAS data. The agency currently uses the collected information to determine suitability for procuring NAS data for use in various evaluations.

Respondents: Approximately 15 data requestors.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 3 hours.

Estimated Total Annual Burden: 45 hours.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Scott, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on September 15, 2010.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–23636 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Flight Engineers and Flight Navigators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Information collected is used to determine certification eligibility of Flight Engineers and Flight Navigators.

DATES: Written comments should be submitted by November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 267–9895, or by e-mail at: *Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2120–0007.

Title: Flight Engineers and Flight Navigators.

Form Numbers: FAA Form 8400–3.

Type of Review: Renewal of an information collection.

Background: FAA Form 8400–3, Application for an Airman Certificate and/or Rating (for flight engineer and flight navigator) and applications for approval of related training courses are submitted to FAA for evaluation. The information is reviewed to determine applicant eligibility and compliance with prescribed provisions of FAR Part

63, Certification: Flight Crewmembers Other Than Pilots.

Respondents: Approximately 1,036 flight engineers and flight navigators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 505 hours.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Scott, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on September 15, 2010.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–23634 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Commuter Operations and General Certifications and Operations Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The respondents to this information collection are CFR part 135 and part 121 operators. The FAA uses the information to ensure compliance and adherence to the regulations.

DATES: Written comments should be submitted by November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Carla Scott on (202) 267–9895, or by e-mail at: *Carla.Scott@faa.gov.*

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 2120–0593.

Title: Commuter Operations and General Certifications and Operations Requirements.

Form Numbers: FAA Form 8400–6.

Type of Review: Renewal of an information collection.

Background: This request for clearance reflects requirements necessary under parts 135, 121, and 125 to comply with part 119. The FAA uses the information it collects and reviews to insure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

Respondents: Approximately 2,445 air carriers and commercial operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2.45 hours.

Estimated Total Annual Burden: 8,869 minutes.

ADDRESSES: Send comments to the FAA at the following address: Ms. Carla Scott, Room 712, Federal Aviation Administration, IT Enterprises Business Services Division, AES–200, 800 Independence Ave., SW., Washington, DC 20591.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on September 15, 2010.

Carla Scott,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2010–23635 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2010–0831]

Airport Improvement Program (AIP): Policy Regarding Access to Airports From Residential Property

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of proposed policy; notice of proposed amendment to sponsor grant assurance 5; and request for public comment; correction.

SUMMARY: The FAA is correcting an inadvertent omission in the Privacy paragraph in the Notice of Proposed Policy Regarding Access to Airports From Residential Property that was published in the **Federal Register** on September 9, 2010 (75 FR 54946).

DATES: Effective September 22, 2010.

FOR FURTHER INFORMATION CONTACT: Randall S. Fiertz, telephone: (202) 267–3085; facsimile: (202) 267–5257; e-mail: *randall.fiertz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Need for Correction

On September 9, 2010, the Federal Aviation Administration published a Notice of Proposed Policy in the **Federal Register** at 75 FR 54946 proposing to amend and clarify FAA policy concerning through-the-fence access to a Federally obligated airport from an adjacent or nearby property, when that property is used as a residence and permits continuation of existing access subject to certain standards. The Notice also proposed to amend sponsor grant assurance 5, Preserving Rights and Powers, to prohibit new residential through-the-fence access. In that Notice, there was an inadvertent omission. Through this amendment, FAA is correcting the inadvertent omission. In the Privacy section, FAA inadvertently omitted information relative to the DOT's Privacy Act Statement.

Correction

In the Notice published on September 9, 2010 (75 FR 54946) FR Doc. 2010–22095, on page 54947 in column 1,under the heading **SUPPLEMENTARY INFORMATION** section of this document, remove the first paragraph and in its place add the following paragraph to read as follows:

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).

Issued in Washington, DC, on September 17, 2010.

Randall Fiertz,

Director, Airport Compliance and Field Operations.

[FR Doc. 2010–23728 Filed 9–21–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Modification of Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (*e.g.* to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "M" denote a modification request. These applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before October 7, 2010.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous, Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 14, 2010.

Donald Burger,

Chief, Special Permits and Approval Branch.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
7951–M		ConAgra Foods, Naperville, IL.	49 CFR 173.306(b)(1); 178.33; 175.3.	To modify the special permit to remove the requirement to carry a copy of the Special Permit on motor vehicles that transport these packages from paragraph 10.
10898–M		Hydac Corporation, Bethlehem, PA.	49 CFR 173.302	To modify the special permit to authorize additional accumulators both ASME and PED.
11993–M		Key Safety Systems, Inc, Lakeland, FL.	49 CFR 173.301(a)(1); 173.302a.	To modify the special permit to add two new drawings and change the wording to say that all of drawings on file are authorized.
12277–M		ISGEC (Former Grantee Indian Sugar and General Engineering Corporation), Haryana.	49 CFR 173.3; 173.304	To modify the special permit to authorize a change to paragraph 7 (b)(l) the minimum burst pressure to 86.18 bar (1250PSIG); change paragraph 7.(2)(l) hydrostatic test pressure 34.74 bar to (500 PSIG) instead of 34.74 bar (500); and add a new drawing.
12629–M		TEA Technologies, Inc., Amarillo, TX.	49 CFR 173.34(e)	To modify the special permit to add the retesting of DOT 107A cylinder (tubes) by means of acoustic emission (AE) and ultrasonic examination (UE) in lieu of hydrostatic testing.
12706–M		RAGASCO Raufoss	49 CFR 173.34; 173.201; 173.301; 173.304.	To modify the special permit to add a new drawing and to change the Maximum Volume from 24 liters to 34 liters in paragraph 7.a(1).
13998–M		3AL Testing Corp., Denver, CO.	49 CFR 172.203(a); 172.302a(b)(2),(4) (5); 180.205(f)(g); 180.209(a),(b)(1) (iv).	To modify the special permit to authorize the use of the SPECTRO xSort for determining the steel composition of 3AA specification cylinders stamped as 3A.
14206–M		Digital Wave Corporation Centennial, CO.	49 CFR 180.205	To modify the special permit to authorize the use of the SPECTRO xSort for determining the steel composition of 3AA specification cylinders stamped as 3A.
14751–M		ExxonMobil, Mont Belvieu, TX.	49 CFR 173.242	To modify the special permit to add another drawing; change in HazardousMaterial from Division 4.2 to 4.3; remove in its entirely the maximum capacity: 540 gallons (2047 liters); and to Tare Mass to 3800lbs.

MODIFICATION SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
14908–M		Conocophillips Alaska, Inc., Anchorage, AK.	49 CFR 173.302(f)	To reissue the special permit originally issued on an emergency basis authorizing the transportation in commerce of compressed oxygen without rigid outer packaging when no other means of transportation exist.
14953–M		Applied Laboratories, Inc., Columbus, IN.	49 CFR 173.306(a)(3)(v)	To modify the special permit to remove the requirement that a copy of the special permit to be carried aboard motor vehicles or rail freight used to transport packages.
14966–M		Vulcore Industrial LLC, Fort Wayne, WI.	49 CFR 173.302 and 180.205	To modify the special permit to authorize a removable protective cover made of fire and water resistant materials to be applied around the cylinders for providing additional protection for the cylinders.
14996–M		Skydance Helicopters of Northern Nevada, Inc., Minden, NV.	49 CFR 172.101 Column (9B), 172.204(c)(3), 173.27(b)(2) and 175.30(a)(1).	To reissued the special permit that was originally issued as an Emergency special permit to a permanent special and to authorize the addition of Division 2.1; 2.2; and 4.2; and Class 3; 8; and 9 hazardous materials.

[FR Doc. 2010–23451 Filed 9–21–10; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before October 22, 2010.

ADDRESS COMMENTS TO: Record Center, Pipeline and Hazardous, Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue, Southeast, Washington, DC, or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on September 14, 2010.

Donald Burger,

Chief, Special Permits and Approvals Branch.

NEW SPECIAL PERMITS

Application Number No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
15110–N		Kidde Aerospace and Defense (KAD) Wilson, NC.	49 CFR 178.65	To authorize the manufacture, marking, sale and use of non-DOT specification cylinders (fire extinguishers) that are used as components on US Army tactical vehicles and commercial buses. (modes 1, 2, 3, 4).
15125–N		Essex Cryogenics of Missouri, Inc., St. Louis, MO.	49 CFR 178.57(f)	To authorize an alternative method of calculating wall thickness in spherical pressure vessels manufactured to DOT Specification 4L. (modes 1, 2, 3, 4).
15126–N		Trans Aero Ltd., Cheyenne, WY.	49 CFR 172.101, Column (9B), 172.200, 172.300, 172.400, 172.204(c)(3), 173.27(b)(2), 175.30(a)(1).	To authorize the transportation of certain forbidden explosives and other hazardous materials by helicopter in remote areas of the U.S. only without being subject to hazard communication requirements and quantity limitations. (mode 4).
15127–N		EnerSys, Reading, PA	49 CFR 173.159(e)(4)	To authorize the transportation in commerce of lead batteries from more than one shipper without voiding the exception in § 173.159(e). (mode 1).

NEW SPECIAL PERMITS—Continued

Application Number No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
15128–N		Crown Battery, Fremont, OH.	49 CFR 173.159(e)(4)	To authorize the transportation in commerce of lead batteries from more than one shipper without voiding the exception in § 173.159(e). (mode 1).
15129–N		KaVan Air, Anchorage, AK.	49 CFR 172.101 Column (9B)	To authorize the transportation in commerce of certain Class 1 explosive materials which are forbidden for transportation by air, to be transported by cargo aircraft within and around the State of Alaska when other means of transportation are impracticable or not available. (mode 4).
15130–N		Sundance Helicopters, Inc., Las Vegas, NV.	49 CFR 173.242	To authorize the transportation in commerce of gasoline in 55 gallon drums attached to or suspended from an aircraft by Part 133 Rotorcraft External Load Operations, in remote areas of the U.S. (mode 4).
15131–N		CVA Inc., Mont Belvieu, TX.	49 CFR 173.319 and 179.401–1	To authorize the manufacture, marking, sale and use of DOT Specification 113A90W tank cars for the transportation in commerce of certain non-flammable cryogenic liquids. The tank car is excepted from the requirement to replace the rupture disc every year, rather they must be replaced every five years. (mode 2).
15132–N		National Aeronautics and Space Administration (NASA), Washington, DC.	49 CFR 173.301 and 178.53	To authorize the transportation in commerce of certain Division 2.1 and 2.2 gases in alterative packaging when transported by motor vehicle. (mode 1).

[FR Doc. 2010–23452 Filed 9–21–10; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to 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 its information collection titled, "Assessment of Fees—12 CFR 8."

DATES: You should submit written comments by November 22, 2010.

ADDRESSES: Communications Division, Office of the Comptroller of the Currency, Mail Stop 2–3, Attention: 1557–0223, 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 comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Additionally, please send a copy of your comments to OCC Desk Officer, 1557–0223, by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary H. Gottlieb, OCC Clearance Officer, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Assessment of Fees—12 CFR 8.

OMB Control No.: 1557–0223.

Affected Public: Business or other for-profit.

Type of Review: Regular review.

Abstract: The OCC is requesting comment on its proposed extension, without change, of the information collection titled, "Assessment of Fees—12 CFR 8." The National Bank Act authorizes the OCC to collect assessments, fees, and other charges as necessary or appropriate to carry out the responsibilities of the OCC. The OCC requires independent credit card banks to pay an additional assessment based on receivables attributable to accounts owned by the bank. Independent credit card banks are national banks that primarily engage in credit card operations and are not affiliated with a full service national bank. The OCC will require independent credit card banks to provide the OCC with "receivables attributable" data. "Receivables attributable" refers to the total amount of outstanding balances due on credit card accounts owned by an independent credit card bank (the receivables attributable to those accounts) on the last day of an assessment period, minus receivables retained on the bank's balance sheet as of that day. The OCC will use the information to verify the accuracy of each bank's assessment computation and to adjust the

assessment rate for independent credit card banks over time.

Estimated Number of Respondents: 9.

Estimated Number of Responses: 18.

Frequency of Response: Semiannually.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden: 18 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. *Comments are invited on:*

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the 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: September 15, 2010.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

[FR Doc. 2010–23701 Filed 9–21–10; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs gives notice under the Public Law 92–463 (Federal Advisory Committee Act) that the panels of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Panel	Date(s)	Location
Infectious Diseases-A	November 16, 2010	*VA Central Office
Hematology	November 18, 2010	*VA Central Office
Infectious Diseases-B	November 19, 2010	Crowne Plaza
Neurobiology-A	November 19, 2010	Crowne Plaza
Neurobiology-D	November 19, 2010	Crowne Plaza
Pulmonary Medicine	November 19, 2010	Crowne Plaza
Endocrinology-B	November 22, 2010	*VA Central Office
Surgery	November 22, 2010	The Hotel George
Cellular & Molecular Medicine	November 22, 2010	Crowne Plaza
Mental Hlth & Behav Sci-B	November 22, 2010	Crowne Plaza
Endocrinology-A	November 23, 2010	The Hotel George
Immunology-A	December 1, 2010	Crowne Plaza
Epidemiology	December 1, 2010	*VA Central Office
Neurobiology-E	December 1, 2010	Crowne Plaza
Gastroenterology	December 2, 2010	Crowne Plaza
Nephrology	December 2, 2010	Crowne Plaza
Neurobiology-C	December 2–3, 2010	Crowne Plaza
Oncology	December 2–3, 2010	Crowne Plaza
Cardiovascular Studies	December 3, 2010	Crowne Plaza
Clinical Research Program	December 3, 2010	*VA Central Office
Mental Hlth & Behav Sci-A	December 3, 2010	Crowne Plaza

The addresses of the hotels and VA Central Office are: Crowne Plaza Washington DC/Silver Spring, 8777 Georgia Avenue, Silver Spring, MD. The Hotel George, 15 E Street, NW., Washington, DC.
*VA Central Office, 1722 Eye Street, NW., Washington, DC.
*Teleconference

The purpose of the Merit Review Board is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral and clinical science research.

The panel meetings will be open to the public for approximately one hour at the start of each meeting to discuss the general status of the program. The remaining portion of each panel meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals.

The closed portion of each meeting involves discussion, examination, reference to staff and consultant critiques of research proposals. During this portion of each meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research proposals.

As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these panel meetings is in accordance with 5 U.S.C., 552b(c)(6) and (9)(B). Those who plan to attend or would like to obtain a copy of minutes of the panel meetings and rosters of the members of the panels should contact LeRoy G. Frey, Ph.D., Chief, Program Review (121F), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, at (202) 461–1664 or *Leroy.frey@va.gov.*

Dated: September 16, 2010.

By Direction of the Secretary.

Vivian Drake,

Acting Committee Management Officer.

[FR Doc. 2010–23609 Filed 9–21–10; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Wednesday,
September 22, 2010

Part II

The President

Proclamation 8562—Constitution Day and Citizenship Day, Constitution Week, 2010

Proclamation 8563—National POW/MIA Recognition Day, 2010

Federal Register
Vol. 75, No. 183
Wednesday, September 22, 2010

Presidential Documents

Title 3—

The President

Proclamation 8562 of September 16, 2010

Constitution Day and Citizenship Day, Constitution Week, 2010

By the President of the United States of America

A Proclamation

The summer of 1787 was a watershed moment in our Nation's history. In the span of four short months, delegates to the Constitutional Convention in Philadelphia established a Constitution for the United States of America, signing the finished charter on September 17, 1787. With their signatures, and subsequent ratification of the Constitution by the States, the Framers advanced our national journey.

On Constitution Day and Citizenship Day, and during Constitution Week, we commemorate the legacy passed down to us from our Nation's Founders. Our Constitution, with the Bill of Rights and amendments, has stood the test of time, steering our country through times of prosperity and peace, and guiding us through the depths of internal conflict and war. Because of the wisdom of those who have shaped our Nation's founding documents, and the sacrifices of those who have defended America for over two centuries, we enjoy unprecedented freedoms and opportunities. As beneficiaries, we have a solemn duty to participate in our vibrant democracy so that it remains strong and responsive to the needs of our people.

Each year, thousands of candidates for citizenship commemorate Constitution Day and Citizenship Day by becoming new American citizens. These individuals breathe life into our Constitution by learning about its significance and the rights it enshrines, and then by taking a solemn oath to "support and defend the Constitution and laws of the United States of America." In so doing, they voluntarily accept that citizenship is not merely a collection of rights, but also a set of responsibilities. Just as our Founders sought to secure the "Blessings of Liberty" for themselves and their posterity, these new Americans have come to our shores to embrace and impart the fundamental beliefs that define us as a Nation.

In the United States, our Constitution is not simply words written on aging parchment, but a foundation of government, a protector of liberties, and a guarantee that we are all free to shape our own destiny. As we celebrate this document's profound impact on our everyday lives, may all Americans strive to uphold its vision of freedom and justice for all.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as "Constitution Day and Citizenship Day," and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week."

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2010, as Constitution Day and Citizenship Day, and September 17 through September 23, 2010, as Constitution Week. I encourage Federal, State, and local officials, as well

as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that recognize our Constitution and reaffirm our rights and obligations as citizens of this great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–23898
Filed 9–21–10; 11:15 am]
Billing code 3195–W0–P

Presidential Documents

Proclamation 8563 of September 16, 2010

National POW/MIA Recognition Day, 2010

By the President of the United States of America

A Proclamation

"Until every story ends" is a solemn promise to those who wear the uniform of the United States that they will never be left behind or forgotten. On National POW/MIA Recognition Day, we pay tribute to the American men and women who never returned home from combat, to those who faced unthinkable suffering as prisoners of war in distant lands, and to all servicemembers who have defended American lives and liberties with unwavering devotion. As a grateful Nation, we can never repay the profound debt to our heroes, and we will not rest until we have accounted for the missing members of our Armed Forces.

We demonstrate our deep gratitude and admiration for our brave patriots not in words alone, but in our actions to bring them home. Each year, specialists in our Department of Defense scour foreign battlefields and burial sites, interview witnesses, and search national and international archives for information about those missing from the Vietnam War, Korean War, Cold War, World War II, and other conflicts. Their work will not be complete, nor our commitment fulfilled, until the families of those taken or missing in action can rest knowing the fate of their loved ones.

On September 17, 2010, the stark black and white flag honoring America's prisoners of war and those missing in action will be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. It is a powerful reminder that our Nation will never cease in our task to recover, remember, and honor the courageous men and women who have served and sacrificed so much for each of us.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 17, 2010, as National POW/MIA Recognition Day. I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand ten, and of the Independence of the United States of America the two hundred and thirty-fifth.

[FR Doc. 2010–23900
Filed 9–21–10; 11:15 am]
Billing code 3195–W0–P

Reader Aids

Federal Register

Vol. 75, No. 183

Wednesday, September 22, 2010

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal__register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

53563–53840 1
53841–54004 2
54005–54270 3
54271–54460 7
54461–54758 8
54759–55254 9
55255–55452 10
55453–55662 13
55663–55940 14
55941–56466 15
56467–56856 16
56857–57158 17
57159–57368 20
57369–57656 21
57657–57840 22

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

Subt. A 55671
170 55663

3 CFR

Proclamations:
8549 53563
8550 54449
8551 54451
8552 54453
8553 54455
8554 54757
8555 55253
8556 56457
8557 56459
8558 56461
8559 56463
8560 56465
8561 57369
8562 57837
8563 57839

Executive Orders:
13551 53837
13552 54263

Administrative Orders:
Presidential Determinations:
No. 2010-13 of September 2, 2010 54459
Notices:
Notice of September 10, 2010 55661
Notice of September 16, 2010 57159

5 CFR

6201 55941
9201 57657

6 CFR

Proposed Rules:
5 .....54528, 55290

7 CFR

6 53565
301 54461
761 54005
762 54005
764 54005
765 54005
766 54005
915 55942
930 57161
984 55944
1250 55255
3430 54759

Proposed Rules:
205 57194
253 54530
810 56911
868 56911
987 56019
1250 55292

9 CFR

91 57658
162 57658

Proposed Rules:
56 57200
91 .....56912, 56914
101 56916
114 56916
145 57200
146 57200
147 57200

10 CFR

Proposed Rules:
429 .....56796, 57410
430 .....54048, 56021, 56796, 57410, 57556
431 .....55068, 56796, 57410

11 CFR

100 55257
109 55947

12 CFR

400 55941
740 53841
745 53841
1249 55892
1282 55892

Proposed Rules:
614 56487
1101 54052

14 CFR

39 .....53843, 53846, 53849, 53851, 53855, 53857, 53859, 53861, 54462, 55453, 55455, 55459, 55461, 57371, 57659, 57660, 57664, 57666
71 .....55267, 57373, 57374, 57375, 57376, 57383
73 53863
97 .....54766, 54769, 55961, 55963
141 56857

Proposed Rules:
39 .....53609, 54536, 55492, 55691, 56487
71 .....53876, 54057, 54058, 57215, 57216
117 55852
121 55852

15 CFR

730 53864
732 53864
734 .....53864, 54271
736 53864
738 53864

740 53864
742 ..... 53864, 54271
743 ..... 53864, 54271
744 ..... 53864, 54271
746 53864
747 53864
748 53864
750 53864
752 53864
754 53864
756 53864
758 53864
760 53864
762 53864
764 53864
766 53864
768 53864
770 53864
772 ..... 53864, 54271
774 ..... 53864, 54271
922 53567
Proposed Rules:
742 54540
744 54540
746 54540
806 ..... 53611, 57217
922 55692

16 CFR

310 55269
Proposed Rules:
801 57110
802 57110
803 57110

17 CFR

1 55410
3 55410
4 55410
5 55410
10 55410
140 55410
145 55410
147 55410
160 55410
166 55410
200 ..... 54464, 56668
201 57384
210 57385
229 57385
232 ..... 55965, 56668
240 ..... 54465, 56668
249 ..... 54465, 56668, 57385
Proposed Rules:
4 ..... 54794, 55698
16 ..... 54801, 54802
Ch. II 55295
232 54059

18 CFR

Proposed Rules:
35 54063

20 CFR

416 ..... 54285, 56858
606 57146
641 53786

21 CFR

2 56858
510 ..... 54016, 54017, 55676
520 ..... 54018, 54492, 55676
522 ..... 54017, 54018
524 54492
558 ..... 54019, 55676
870 54493
1310 53867

24 CFR

Ch. II 54020

25 CFR

542 55269
543 55269

26 CFR

1 ..... 55677, 56858, 57163
602 ..... 56858, 57163
Proposed Rules:
1 ..... 54541, 54802, 55698
31 54541
301 55699

27 CFR

Proposed Rules:
9 53877
555 56489

28 CFR

35 56164
36 56236

29 CFR

4022 55966
4044 55966
Proposed Rules:
1908 54064
2570 54542

30 CFR

Proposed Rules:
Ch. I 54804

31 CFR

575 55462
576 55463

32 CFR

1701 57163

33 CFR

100 ..... 55677, 55968, 56866, 57388
117 ..... 54023, 54024, 54770, 54771, 55475
127 54025
147 55970
154 54025
155 ..... 54025, 54026, 55973
165 ..... 53572, 53574, 53870, 54026, 54771, 55270, 55272, 55477, 55973, 55975, 56467, 56469, 57167
Proposed Rules:
100 56024
117 54069
167 ..... 55709, 56919

36 CFR

Proposed Rules:
200 55710
294 54542
1192 54543
1253 54543
1254 54543
1280 54543

37 CFR

201 56868
380 56873

38 CFR

3 54496
17 ..... 54028, 54496
36 56875
Proposed Rules:
5 53744
76 54069

39 CFR

111 54287
501 56471
Proposed Rules:
111 ..... 56920, 56922, 57410

40 CFR

9 ..... 56880, 57169
51 55636
52 ..... 54031, 54773, 54778, 55271, 55977, 55978, 55988, 56424, 56889, 57186, 57390
55 55277
60 ..... 54970, 55271, 55636
61 ..... 55271, 55636
63 ..... 54970, 55636
81 ..... 54031, 54497
98 57669
180 ..... 53577, 53581, 53586, 54033, 55991, 55997, 56013, 56892, 56897
228 54497
261 57686
271 57188
300 ..... 54779, 55479, 56015
721 ..... 56880, 57169
790 56472
1060 56477
Proposed Rules:
51 ..... 53613, 55711, 57220
52 ..... 53613, 53883, 53892, 53907, 54292, 54805, 54806, 55494, 55711, 55713, 55725, 56027, 56923, 56928, 56935, 56942, 57221, 57412
60 53908
72 ..... 53613, 55711
78 ..... 53613, 55711
81 56943
97 ..... 53613, 55711
140 53914
300 54821
799 55728
1060 56491

42 CFR

411 56015
Proposed Rules:
Ch. I 57230, 57233
100 55503
431 56946
447 54073

43 CFR

3000 55678
3910 55678
3930 55678

44 CFR

64 ..... 55280, 55683, 57688
67 55480
Proposed Rules:
61 54076
67 ..... 55507, 55515, 55527

45 CFR

Ch. XXV 54789
Proposed Rules:
1307 57704

46 CFR

8 56015

47 CFR

20 54508
64 54040
300 54790
Proposed Rules:
Ch. 1 55297
20 54546
54 56494

48 CFR

207 54524
211 54524
217 54526
227 54527
237 54524
252 54527
907 57690
923 57690
936 57690
952 57690
970 57690
Proposed Rules:
52 57719
53 54560
Ch. II 56961
3001 55529
3002 55529
3003 55529
3004 55529
3005 55529
3006 55529
3009 55529
3012 55529
3018 55529
3022 55529
3023 55529
3033 55529
3035 55529
3036 55529
3042 55529
3045 55529
3052 55529
3053 55529

49 CFR

107 53593
171 53593
172 53593
173 53593
176 53593
177 53593
179 53593
180 53593
325 57191
385 ..... 55488, 57696
393 57393
395 55488
544 54041
593 57396
Proposed Rules:
192 56972
195 56972
209 57598
213 57598
214 57598
215 57598
217 57598
218 57598
219 57598
220 57598

221 57598
222 57598
223 57598
224 57598
225 57598
227 57598
228 57598
229 57598
230 57598
231 57598
232 57598
233 57598
234 57598
235 57598
236 57598
238 57598
239 57598
240 57598
241 57598

50 CFR

17 ....53598, 55686
20 53774
32 57698
300 56903
600 57698
635 ....53871, 57407, 57698
648 ....53871, 54290, 55286, 56016
660 54791
665 ....53606, 54044
679 ....53606, 53608, 53873, 53874, 53875, 54290, 54792, 55288, 55689, 55690, 56016, 56017, 56018, 56483, 57702
680 56485

Proposed Rules:

10 57413
13 57413
16 56975
17 ....53615, 54561, 54708, 54822, 55730, 56028, 57426, 57720
21 57413
22 57413
23 54579
32 56360
223 ....53925, 57431
224 57431
300 54078
622 57734
635 ....57235, 57240
648 ....53939, 54292, 57249
660 56976

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 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)

Last List August 16, 2010

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.