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WHEN: Tuesday, January 25, 2011
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
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Rules and Regulations

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1022; Airspace Docket No. 10–AWP–4]

RIN 2120–AA66

Amendment of Jet Route J–93; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Jet Route J–93 in California between the Julian VHF Omnidirectional Radio Range Tactical Air Navigation Aid (VORTAC), and the ASUTA intersection on the United States/Mexican border. The FAA is realigning the jet route due to the relocation of the Penasco VOR, located in Mexico. This action ensures the efficient use of our National Airspace System.

DATES: Effective date 0901 UTC, May 5, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace Regulation and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On October 28, 2010, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend J–93, (75 FR 66344). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received in response to the NPRM. Jet routes are published in paragraph 2004 of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The jet routes listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Jet Route J–93 in California, between the Julian VORTAC and the ASUTA intersection along the United States/Mexican Border, realigning the route with the revised location of the Penasco VOR located in Mexico.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Jet Route J–93 in California.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311a, FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR part 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010 and effective September 15, 2010 amended as follows:

Paragraph 2004 Jet routes.

* * * * *

J–93 [Amended]

From the INT of the United States/Mexican Border and the Julian, CA, 122° radial via Julian; Paradise, CA; INT Paradise 290° and Los Angeles, CA, 083° radials; to Los Angeles.

Issued in Washington, DC on January 7, 2011.

Edith V. Parish,

Manager, Airspace Regulation and ATC Procedures Group.

[FR Doc. 2011–826 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1263; Airspace Docket No. 10–AWP–17]

Amendment of VOR Federal Airways V–2 and V–21; Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends two VHF Omnidirectional Range (VOR) Federal airway legal descriptions in the State of Hawaii. The FAA is taking this action to remove exclusions to restricted airspace areas that have been removed from the National Airspace System (NAS).

DATES: Effective date 0901 UTC, March 10, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace Regulation and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA Honolulu Control Facility conducted a review of the facility airspace areas and found that two Federal Airways, V–2 and V–21, contained exclusions to restricted airspace that was removed from the NAS several years ago. Accordingly, since this is an administrative change and does not involve a change in the boundaries, altitudes or operating procedures of this airspace, notice and public procedure under Title 5 U.S.C. 553(b) are unnecessary.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending two VOR Federal Airways, V–2 and V–21, located in the State of Hawaii by removing all references to Restricted Area R–3104A and R–3104B from the legal descriptions.

Hawaiian VOR Federal Airways are listed in paragraph 6010(c) of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Federal airways listed in this document will be revised subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends two VOR Federal airways in Hawaii.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311a, FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, signed August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6010(c) Hawaiian VOR Federal Airways.

* * * * *

V–2 [Amend]

From Honolulu, HI, via Lanai, HI; INT Lanai 106° and Upolu Point, HI, 305° radials; Upolu Point (4 miles N and 3 miles S of centerline); INT Upolu Point 093° and Hilo, HI, 336° radials; Hilo.

* * * * *

V–21 [Amend]

From Honolulu, HI, via INT Honolulu 182° and Lanai, HI, 289° radials; Lanai; INT Lanai 106° and Hilo, HI, 033° radials; INT Upolu Point, HI, 093° and Hilo 078° radials; to INT Hilo 078° and long. 152°14′00″ W.

Issued in Washington, DC on January 7, 2011.

Edith V. Parish,

Manager, Airspace Regulation and ATC Procedures Group.

[FR Doc. 2011–823 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket FAA No. FAA–2010–1208; Airspace Docket No. 10–ANM–16]

Establishment of Class E Airspace; Lucin, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action makes a minor correction to a final rule published in the **Federal Register** July 8, 2010, that establishes Class E en route domestic airspace for the Lucin VORTAC, Lucin, UT.

DATES: Effective 0901 UTC, February 17, 2011. The Director of the Federal

Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

In a final rule published in the **Federal Register** July 8, 2010 (75 FR 39148) Airspace Docket No. 09–ANM–25, the airspace description for the Lucin VORTAC, Lucin, UT, incorrectly referenced the existing Class E en route domestic airspace exclusion above 8,500 feet MSL. As written, the wording may cause confusion as to the exclusion of the existing controlled airspace at 8,500 feet MSL. It should read 8,500 feet and above MSL.

The FAA's Aeronautical Products office correctly charted the airspace and requested the correction be made. Accordingly, since this is an administrative change, and does not involve a change in the dimensions, altitudes, or operating requirements of that airspace, notice and public procedures under 5 U.S.C. 553(b) are unnecessary.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Technical Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

ANM UT E6 Lucin, UT [Amended]

Lucin VORTAC

(Lat. 41°21′47″ N., long. 113°50′26″ W.)

That airspace extending upward from 1,200 feet above the surface bounded on the west by V–269; on the east by V–484; and on the south by V–32; excluding existing controlled airspace 8,500 feet MSL and above; excluding that airspace designated for Federal airways; excluding the portions within Restricted Area R–6404 and Lucin MOA during their published hours of designation.

Issued in Seattle, Washington on January 5, 2011.

John Warner,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2011–593 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–1191; Airspace Docket No. 10–AAL–22]

Revocation and Establishment of Compulsory Reporting Points; Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes and establishes high altitude Alaskan compulsory reporting points in the vicinity of the United States (U.S.) and Canadian border. Specifically, the FAA is removing BORAN and establishing the TOVAD reporting point.

DATES: Effective date 0901 UTC, May 5, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace Regulation and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The FAA was notified November 30, 2010, that Canadian Authorities had removed the BORAN intersection and established the TOVAD intersection as a compulsory reporting point on the U.S./Canada border effective November 18, 2010. This action is in response to those changes. Accordingly, since this is an administrative change and does not affect the boundaries, altitudes, or operating requirements of the airspace, notice and public procedures under Title 5 U.S.C. 553(b) are unnecessary.

The Rule

The FAA amends Title 14 Code of Federal Regulations (14 CFR) part 71 by removing the BORAN reporting point and establishing the TOVAD Compulsory Reporting Point on the U.S./Canadian border.

Alaskan High Altitude Reporting Points are listed in paragraph 7005 of FAA Order 7400.9U dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR 71.1. The Reporting Points listed in this document will be revised subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends High Altitude Compulsory Reporting Points in Alaska.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311a, FAA Order 1050.1E, "Environmental

Impacts: Policies and Procedures." This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9U, Airspace Designations and Reporting Points, signed August 18, 2010, and effective September 15, 2010, is amended as follows:

Paragraph 7005 Alaskan High Altitude Reporting Points.

* * * * *

BORAN, AK [Removed]

* * * * *

TOVAD, AK [New]

Issued in Washington, DC on January 7, 2011.

Edith V. Parish,

Manager, Airspace Regulation and ATC Procedures Group.

[FR Doc. 2011–827 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 77

[Docket No. FAA–2006–25002; Amendment No. 77–13–A]

RIN 2120–AH31

Safe, Efficient Use and Preservation of the Navigable Airspace; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting the regulation addressing the effective date of FAA determinations issued under 14 CFR part 77. The FAA amended this regulation by final rule published on July 21, 2010. The purpose of the final rule was to update the regulations governing objects that may affect the navigable airspace, to incorporate case law and legislative action, and to simplify the rule language. In one section of the regulations, we inadvertently state that the effective date of all determinations is 40 days from the date of issuance. However, only FAA determinations subject to the discretionary review process are effective 40 days from the date of issuance. All other FAA determinations are effective upon issuance. This document corrects that error.

DATES: Effective January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Ellen Crum, Air Traffic Organization, Airspace, Regulations and ATC Procedures Group, 800 Independence Ave., SW., Washington, DC 20591. (202) 267–8783; e-mail: *ellen.crum*@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

On July 21, 2010 (75 FR 42296), we published a final rule that updated the FAA's notice and obstruction standards requirements in Title 14 of the Code of Federal Regulations (14 CFR) part 77. These regulations had not been updated in many years, and we found it necessary to update them to incorporate case law and legislative action, and to simplify the rule language.

In the preamble discussion for the Notice of Proposed Rulemaking, the FAA proposed and subsequently adopted in the final rule that a Determination of Hazard or a Determination of No Hazard will become effective 40 days from the date of issuance, unless a petition for discretionary review is filed and received by the FAA within 30 days from the date of issuance. (*See* 71 FR 34028, 34037 and 75 FR 42296, respectively, published on June 13, 2006 and July 21, 2010.) Consequently, § 77.33(a), as adopted in the final rule, states "A determination issued under this subpart is effective 40 days after the date of issuance, unless a petition for discretionary review is received by the FAA * * *"

As written, this requirement incorrectly applies to all FAA determinations. The FAA's intent was to prevent a determination from becoming effective in the event that a petition for discretionary review was filed for a particular aeronautical study. Section 77.33(a) should have provided two effective dates. For determinations that are not subject to discretionary review, the effective date continues to be the date of issuance, which is consistent with the current rule. For determinations that are subject to the discretionary review process, these determinations will become effective 40 days from the date of issuance, unless a petition for discretionary review has been filed. Therefore, we find that paragraph (a) of this section must be corrected to provide the above two effective dates.

Accordingly, in the final rule, FR Doc. 2010–17767, published on July 21, 2010 (75 FR 42296), make the following corrections:

§ 77.33 [Corrected]

■ 1. On page 42307, in the second column, in § 77.33, the text of paragraph (a) is corrected to read as follows:

§ 77.33 Effective period of determinations.

(a) The effective date of a determination not subject to discretionary review under 77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.

* * * * *

Issued in Washington, DC on January 12, 2011.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. 2011–863 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 101129595–0635–01]

RIN 0694–AF07

Additions and Revisions to the List of Validated End-Users in the People's Republic of China: CSMC Technologies Corporation and Advanced Micro Devices China, Inc.

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to add one end-user, CSMC Technologies Corporation (CSMC), to

the list of validated end-users in the People's Republic of China (PRC). With this rule, exports, reexports, and transfers (in-country) of certain items to three CSMC facilities in the PRC are now authorized under Authorization Validated End-User. In this rule, BIS also amends the EAR to revise the validated end-user authorization for Advanced Micro Devices China, Inc. (AMD) in the PRC by amending the list of buildings associated with one of the company's approved facilities and by updating the description of items eligible for export, reexport, or transfer (in-country) to AMD's approved facilities.

DATES: This rule is effective January 18, 2011. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

ADDRESSES: You may submit comments, identified by RIN 0694–AF07, by any of the following methods:

E-mail: publiccomments@bis.doc.gov. Include "RIN 0694–AF07" in the subject line of the message.

Fax: (202) 482–3355. Please alert the Regulatory Policy Division, by calling (202) 482–2440, if you are faxing comments.

Mail or Hand Delivery/Courier: Sheila Quarterman, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th Street & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, *Attn:* RIN 0694–AF07.

Send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by e-mail to *Jasmeet_K._Seehra@omb.eop.gov* or by fax to (202) 395–7285. Comments on this collection of information should be submitted separately from comments on the final rule (*i.e.,* RIN 0694–AF07). All comments on the latter should be submitted by one of the three methods outlined above.

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

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User (VEU): The List of Approved End-Users, Eligible Items and Destinations in the PRC

Consistent with U.S. Government policy to facilitate trade for civilian end-users in the PRC, BIS amended the EAR in a final rule on June 19, 2007 (72 FR 33646) by creating a new authorization for "validated end-users" (VEUs) located in eligible destinations to which eligible items may be exported, reexported, or transferred under a general authorization instead of a license, in conformance with section 748.15 of the EAR. VEUs may obtain eligible items that are on the Commerce Control List, set forth in Supplement No. 1 to Part 774 of the EAR, without having to wait for their suppliers to obtain export licenses from BIS. Eligible items may include commodities, software, and technology, except those controlled for missile technology or crime control reasons.

Authorization VEU is a mechanism to facilitate increased high-technology exports to companies in eligible destinations that have a verifiable record of civilian end-uses for such items. The VEUs listed in Supplement No. 7 to Part 748 of the EAR were reviewed and approved by the U.S. Government in accordance with the provisions of section 748.15 and Supplement Nos. 8 and 9 to Part 748 of the EAR. In addition to U.S. exporters, Authorization VEU may be used by foreign reexporters and by persons transferring in-country, and it does not have an expiration date. As of the date of this rule, pursuant to section 748.15(b) of the EAR, VEUs are only located in the PRC and India.

Addition of CSMC Technologies Corporation to the List of Validated End-Users in the PRC and CSMC Technologies Corporation's "Eligible Items (by ECCN)" and "Eligible Destinations"

This final rule amends Supplement No. 7 to Part 748 of the EAR to designate CSMC Technologies Corporation (CSMC) as a validated end-user, to identify the eligible destinations of CSMC (referred to as "Facilities"), and to identify the items that may be exported, reexported, or transferred (in-country) to CSMC's specified eligible facilities under Authorization VEU. The name and address of this newly approved VEU and the names and addresses of its eligible facilities are as follows:

Validated End-User

CSMC Technologies Corporation

Eligible Destinations for CSMC Technologies Corporation

CSMC Technologies Fab 1 Co., Ltd., 14 Liangxi Road, Wuxi, Jiangsu 214061, China.

CSMC Technologies Fab 2 Co., Ltd., Block 86, 87, Wuxi National Hi-New Tech Industrial Development Zone, Wuxi, Jiangsu 214061, China.

Wuxi CR Semiconductor Wafers and Chips Co., Ltd., 14 Liangxi Road, Wuxi, Jiangsu 214061, China.

Eligible Items That May Be Exported, Reexported, or Transferred (In-Country) to the Three "Eligible Destinations" Under CSMC Technologies Corporation's Validated End-User Authorization

Items classified under Export Control Classification Numbers 1C350.c.3, 1C350.c.11, 2B230.a, 2B230.b, 2B350.f, 2B350.g, 2B350.h, 3B001.c.1.a, 3B001.c.2.a, 3B001.e, 3C002.a, 3C004.

Revisions to the Authorization for Validated End-User Advanced Micro Devices China, Inc.

This final rule also amends Supplement No. 7 to Part 748 of the EAR by revising the list of Advanced Micro Devices China, Inc.'s (AMD) eligible facilities. Specifically, this rule adds three new buildings to the facility authorization for Advanced Micro Devices (Shanghai) Co., Ltd. (AMD Shanghai), which is one of AMD's three approved facilities. Accordingly, the address for AMD Shanghai has been amended by adding three new building numbers and the revised address will appear in Supplement No. 7 to Part 748 of the EAR. In addition, BIS is updating the description of items eligible for export, reexport, or transfer (in-country) to AMD's approved facilities in order to provide clarification to persons shipping under Authorization VEU. This update makes AMD's VEU listing in the Code of Federal Regulations as specific as possible. The revisions to the authorization for validated end-user AMD are as follows:

Name and Former Address of Facility

Advanced Micro Devices (Shanghai) Co., Ltd., Riverfront Harbor, Building 48, Zhangjiang Hi-Tech Park, 1387 Zhangdong Rd., Pudong, Shanghai, 201203.

Name and Current Address of Facility

Advanced Micro Devices (Shanghai) Co., Ltd., Buildings 46, 47, 48 & 49, Riverfront Harbor, Zhangjiang Hi-Tech Park, 1387 Zhangdong Rd., Pudong, Shanghai, 201203.

Eligible Items That May Be Exported, Reexported, or Transferred (In-Country) to the Three "Eligible Destinations" Under Advanced Micro Devices China, Inc., Validated End-User Authorization

Items classified under Export Control Classification Numbers (ECCNs) 3D002, 3D003, 3E001 (limited to "technology" for items classified under 3C002 and 3C004 and "technology" for use during the International Technology Roadmap for Semiconductors (ITRS) process for items classified under ECCNs 3B001 and 3B002), 3E002 (limited to "technology" for use during the ITRS process for items classified under ECCNs 3B001 and 3B002), 3E003.e (limited to the "development" and "production" of integrated circuits for commercial applications), 4D001, 4D002, 4D003 and 4E001 (limited to the "development" of products under ECCN 4A003).

The approval of CSMC as a validated end-user and revision of AMD's VEU Authorization are expected to further facilitate exports to civilian end-users in the PRC, and to result in significant savings of time and resources for suppliers and the eligible facilities. Authorization VEU eliminates the burden on exporters and reexporters of preparing individual license applications, as exports, reexports, and transfers (in-country) of eligible items to these facilities may now be made under general authorization instead of under individual licenses. Under the VEU program, exporters and reexporters can supply VEUs in the PRC on a more timely basis, thereby enhancing the competitiveness of exporters, reexporters, and end-users in the PRC.

To ensure appropriate facilitation of exports and reexports, on-site reviews of validated end-users may be warranted pursuant to paragraph 748.15(f)(2) and section 7(iv) of Supplement No. 8 to Part 748 of the EAR. If such reviews are warranted, BIS will inform the PRC Ministry of Commerce.

Since August 21, 2001, the Export Administration Act (the Act) has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as extended most recently by the Notice of August 12, 2010 (75 FR 50681 (August 16, 2010)), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

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

2. This rule involves collections previously approved by the Office of Management and Budget (OMB) under Control Number 0694–0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748; and for recordkeeping, reporting and review requirements in connection with Authorization VEU, which carries an estimated burden of 30 minutes per submission. This rule is expected to result in a decrease in license applications submitted to BIS. Total burden hours associated with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and OMB Control Number 0694–0088 are not expected to increase significantly as a result of this rule.

Notwithstanding any other provisions of law, no person is required to respond nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

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

4. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), BIS finds good cause to waive requirements that the rule be subject to notice and the opportunity for public comment because such notice and comment here are unnecessary. In determining whether to grant VEU designations, a committee of U.S. Government agencies evaluates information about candidate companies and commitments made by candidate companies, the nature and terms of which are set forth in 15 CFR Part 748, Supplement No. 8. The criteria for evaluation by the committee are set forth in 15 CFR section 748.15(a)(2).

The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (71 FR 38313, July 2, 2006, and 72 FR 33646, June 19, 2007). Given the similarities between the authorizations provided under the VEU program and export licenses (as discussed further below), the publication of this information does not establish new policy; in publishing this final rule, BIS is simply adding a VEU within the established regulatory framework of the VEU program. Further, this rule does not abridge the rights of the public or eliminate the public's option to export under any of the forms of authorization set forth in the EAR.

Publication of this rule in other than final form is unnecessary because the authorization granted in the rule is similar to that granted to exporters for individual licenses, which do not undergo public review. Individual license application applicants and VEU authorization applicants both provide the U.S. Government with confidential business information. This information is extensively reviewed according to the criteria for VEU authorizations, as set out in 15 CFR section 748.15(a)(2). As with individual export licenses, an interagency committee, drawing on public and non-public sources, including licensing data, and measured against the VEU authorization criteria, vets VEU applications. The authorizations granted under the VEU program, and through individual export licenses, involve interagency deliberation according to set criteria. Given the thorough nature of the review, and in light of the parallels between this process and the non-public review of license applications, public comment on this authorization prior to publication is unnecessary. Moreover, as noted above, the criteria and process for authorizing VEUs were developed with public comments; allowing additional public comment on this individual VEU authorization, which was determined according to those criteria, is therefore unnecessary.

Section 553(d) of the APA generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. However, section 553(d)(1) of the APA provides that a substantive rule which grants or recognizes an exemption or relieves a restriction, may take effect earlier. Today's final rule grants an exemption from licensing procedures and thus is effective immediately.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable and no regulatory flexibility analysis has been prepared.

List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 748 of the EAR (15 CFR Parts 730–774) is amended as follows:

PART 748—[AMENDED]

■ 1. The authority citation for 15 CFR Part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

■ 2. Supplement No. 7 to Part 748 is amended:

■ a. By adding one entry, "CSMC Technologies Corporation", for "China (People's Republic of)" in alphabetical order; and

■ b. By revising the entry for "Advanced Micro Devices (Shanghai) Co., Ltd." for "China (People's Republic of)" to read as follows:

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU); LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination
China (People's Republic of).	Advanced Micro Devices China, Inc.	3D002, 3D003, 3E001 (limited to "technology" for items classified under 3C002 and 3C004 and "technology" for use during the International Technology Roadmap for Semiconductors (ITRS) process for items classified under ECCNs 3B001 and 3B002), 3E002 (limited to "technology" for use during the ITRS process for items classified under ECCNs 3B001 and 3B002), 3E003.e (limited to the "development" and "production" of integrated circuits for commercial applications), 4D001, 4D002, 4D003 and 4E001 (limited to the "development" of products under ECCN 4A003).	AMD Technologies (China) Co., Ltd., No. 88, Su Tong Road, Suzhou, China 215021. Advanced Micro Devices (Shanghai) Co., Ltd., Buildings 46, 47, 48 & 49, River Front Harbor, Zhangjiang Hi-Tech Park, 1387 Zhangdong Rd., Pudong, Shanghai, 201203. AMD Technology Development (Beijing) Co., Ltd., 18F, North Building, Raycom Infotech, Park Tower C, No. 2 Science Institute South Rd., Zhong Guan Cun, Haidian District, Beijing, China 100190.
*	*	*	*
	CSMC Technologies Corporation	1C350.c.3, 1C350.c.11, 2B230.a, 2B230.b, 2B350.f, 2B350.g, 2B350.h, 3B001.c.1.a, 3B001.c.2.a, 3B001.e, 3C002.a, 3C004.	CSMC Technologies Fab 1 Co., Ltd., 14 Liangxi Road, Wuxi, Jiangsu 214061, China. CSMC, Technologies Fab 2 Co., Ltd., Block 86, 87, Wuxi National Hi-New Tech Industrial Development Zone, Wuxi, Jiangsu 214061, China. Wuxi CR Semiconductor Wafers and Chips Co., Ltd., 14 Liangxi Road, Wuxi, Jiangsu 214061, China.
*	*	*	*

Dated: January 11, 2011.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2011–920 Filed 1–14–11; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–63699]

Delegation of Authority to the Chief Accountant

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is amending its rules to delegate authority to the Chief Accountant with respect to proposed rule changes of the Public Company Accounting Oversight Board pursuant to Section 107 of the Sarbanes-Oxley Act of 2002 and Section 19(b) of the Securities Exchange Act of 1934, as follows: To publish notices of proposed rule changes filed by the PCAOB; to approve or disapprove a proposed rule change; and to temporarily suspend a proposed rule of the PCAOB. In addition, the Commission is amending its rules to delegate authority to the Chief Accountant to determine the appropriateness of extending the time periods specified in Section 19(b) and publish the reasons for such determination as well as to effect any such extension and to institute proceedings to determine whether to disapprove a proposal and to provide to the PCAOB notice of the grounds for disapproval under consideration, and to find good cause to approve a proposal on an accelerated basis and to publish the reasons for such determination. This delegation is intended to conserve Commission resources and to maintain the effectiveness and efficiency of the Commission's PCAOB proposed rule filing process.

DATES: *Effective Date:* January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Cohan, Senior Special Counsel, or John F. Offenbacher, Senior Associate Chief Accountant, at (202) 551–5300, Office of the Chief Accountant, Securities and Exchange

Commission, 100 F Street, NE., Washington, DC 20549–7561.

SUPPLEMENTARY INFORMATION:

I. Discussion of Rule Amendments

Pursuant to the Sarbanes-Oxley Act of 2002 ("Sarbanes-Oxley Act"),[1] proposed rules of the Public Company Accounting Oversight Board ("PCAOB") are governed by certain provisions of Section 19 of the Securities Exchange Act of 1934 ("Exchange Act").[2] The Dodd-Frank Wall Street Reform and Consumer Protection Act[3] amended Section 19 of the Exchange Act so that there are new deadlines by which the Securities and Exchange Commission ("Commission") must publish and act upon proposed rule changes submitted by the PCAOB. In recognition of the amendments to Section 19, the Commission is amending its rules governing delegations of authority to the Chief Accountant. The amendments to Rule 30–11 (17 CFR 200.30–11) authorize the Chief Accountant: (1) To publish notice of a PCAOB proposed rule change pursuant to Section 19(b)(1); (2) pursuant to Section 19(b)(2) of the Exchange Act, to approve or disapprove[4] a PCAOB proposed rule change;[5] (3) pursuant to Section 19(b)(2)(A) of the Exchange Act,[6] to extend for a period not exceeding 90 days from the date of publication of notice of the filing of a proposed rule change the period during which the Commission must by order approve or disapprove the proposed rule change; (4) pursuant to Section 19(b)(2)(A) of the Exchange Act,[7] to determine the appropriateness of extending the period during which the Commission must by order approve or disapprove a proposed rule change or institute proceedings to determine whether to disapprove the proposal and publish the reasons for such determination; (5) pursuant to Section 19(b)(2)(B) of the Exchange Act,[8] to extend for a period not exceeding 240 days from the date of publication of notice of the filing of a proposed rule change the period during which the Commission must conclude proceedings to determine whether to disapprove the proposal and to determine whether such longer period is appropriate and publish the reasons for such determination; (6) to temporarily suspend the PCAOB's proposed rule change pursuant to Section 19(b)(3)(C) of the Exchange Act;[9] (7) pursuant to Section 19(b)(2) of the Exchange Act and 19(b)(3) of the Exchange Act, to institute proceedings to determine whether a proposed rule of the PCAOB should be disapproved and to provide to the PCAOB notice of the grounds for disapproval under consideration; and (8) to find good cause to approve a proposal on an accelerated basis and to publish the reasons for such determination.

This delegation is intended to conserve Commission resources and maintain the effectiveness and efficiency of the Commission's process for handling proposed rule changes submitted by the PCAOB. The Commission anticipates that the delegation of authority will help facilitate timely compliance with the amendments to Section 19 of the Exchange Act and the new statutory deadlines prescribed therein. Nevertheless, the Chief Accountant may submit matters to the Commission for its consideration, as he or she deems appropriate.

The Commission finds, in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)), that these amendments relate solely to agency organization, procedures, or practices, and do not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendments prior to their effective date are unnecessary and these changes are effective on January 18, 2011.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

Text of Amendment

For the reasons set out in the preamble, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

■ 1. The authority citation for Part 200, Subpart A, continues to read in part as follows:

Authority: 15 U.S.C. 77o, 77s, 77sss, 77d, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 80a–37, 80b–11, and 7202 *et seq.,* unless otherwise noted.

* * * * *

■ 2. Section 200.30–11 is amended as follows:

■ a. Redesignating paragraph (b) as paragraph (c).

■ b. Adding new paragraph (b).

The addition reads as follows:

§ 200.30–11 Delegation of authority to the Chief Accountant.

* * * * *

(b)(1) Pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7217, and section 19(b) of the Act, 15 U.S.C. 78s(b), and applicable rules of the Commission, to publish notices of proposed rule changes filed by the Public Company Accounting Oversight Board.

(2) Pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7217, and section 19(b) of the Act, 15 U.S.C. 78s(b), and applicable rules of the Commission, to approve or disapprove a proposed rule change, and to find good cause to approve a proposed rule change earlier than 30 days after the date of publication of such proposed rule change and to publish the reasons for such finding. The Office of the Chief Accountant shall notify the Commission no less than five (5) business days before the Chief Accountant intends to exercise his or her authority to approve or disapprove a particular proposed rule change.

(3) Pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7217, and section 19(b)(2)(A) of the Act, 15 U.S.C. 78s(b)(2)(A), to extend for a period not exceeding 90 days from the date of publication of notice of the filing of a proposed rule change pursuant to section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), the period during which the Commission must by order approve or disapprove the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved and to determine whether such longer period is appropriate and publish the reasons for such determination.

(4) Pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C.

[1] *See* Section 107 of the Sarbanes-Oxley Act, 15 U.S.C. 7217.

[2] *See* 15 U.S.C. 78s(b)(2).

[3] Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

[4] 15 U.S.C. 78s(b)(2). Section 107(b) of the Sarbanes Oxley Act, 15 U.S.C. 7217(b), and Section 19(b)(2)(C) of the Exchange Act, 15 U.S.C. 78s(b)(2)(C), provide the standards for Commission approval and disapproval of a proposed rule. Specifically, Section 107(b)(3) provides that the Commission "shall approve a proposed rule if it finds that the rule is consistent with the requirements of this Act and the securities laws, or is necessary and appropriate in the public interest or for the protection of investors." Additionally, the Commission may not approve a proposed rule change earlier than 30 days after the date of publication unless the Commission finds good cause for so doing and publishes the reasons for the finding.

[5] The amendments also specify that the Office of the Chief Accountant is to notify the Commission no less than five (5) business days before the Chief Accountant intends to exercise his or her authority to approve or disapprove a particular proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(A).

[7] 15 U.S.C. 78s(b)(2)(A).

[8] 15 U.S.C. 78s(b)(2)(B).

[9] 15 U.S.C. 78s(b)(3)(C).

7217, section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), and section 19(b)(3) of the Act, 15 U.S.C. 78s(b)(3), to institute proceedings to determine whether a proposed rule change of the Public Company Accounting Oversight Board should be disapproved and to provide to the Public Company Accounting Oversight Board notice of the grounds for disapproval under consideration. In addition, pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7217, and section 19(b)(2)(B) of the Act, 15 U.S.C. 78s(b)(2)(B), to extend for a period not exceeding 240 days from the date of publication of notice of the filing of a proposed rule change pursuant to section 19(b)(1) of the Act, 15 U.S.C. 78s(b)(1), the period during which the Commission must issue an order approving or disapproving the proposed rule change and to determine whether such longer period is appropriate and publish the reasons for such determination.

(5) Pursuant to section 107 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7217, and section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C), to temporarily suspend a rule of the Public Company Accounting Oversight Board.

* * * * *

Dated: January 11, 2011.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–835 Filed 1–14–11; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

[Docket No. FDA–2010–N–0002]

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for hemoglobin glutamer-200 from Biopure Corp. to OPK Biotech, LLC.

DATES: This rule is effective January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 240–276–8300, e-mail: *steven.vaughn@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Biopure Corp., 11 Hurley St., Cambridge, MA 02141 has informed FDA that it has transferred ownership of, and all rights and interest in, NADA 141–067 for OXYGLOBIN (hemoglobin glutamer-200) to OPK Biotech, LLC, 11 and 39 Hurley St., Cambridge, MA 02141. There is no change in drug labeler code.

Following this change of sponsorship, Biopure Corp. is no longer the sponsor of an approved application. In addition, OPK Biotech, LLC, is not currently listed in the animal drug regulations as a sponsor of an approved application. Accordingly, § 510.600 is being amended to reflect these changes.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for "Biopure Corp."; and alphabetically add a new entry for "OPK Biotech, LLC"; and in the table in paragraph (c)(2), revise the entry for "063075" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
OPK Biotech, LLC, 11 and 39 Hurley St., Cambridge, MA 02141	063075
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
063075	OPK Biotech, LLC, 11 and 39 Hurley St., Cambridge, MA 02141
* * * * *	

Dated: January 11, 2011.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 2011–904 Filed 1–14–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 522

[Docket No. FDA–2010–N–0002]

New Animal Drugs; Change of Sponsor; Follicle Stimulating Hormone

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) for follicle stimulating hormone from Ausa International, Inc., to Therio, Inc.

DATES: This rule is effective January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Steven D. Vaughn, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 240–276–8300, e-mail: *steven.vaughn@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Ausa International, Inc., Rt. 8, P.O. Box 324–12, Tyler, TX 75703 has informed FDA that it has transferred ownership of, and all rights and interest in, NADA 141–014 for SUPER–OV (follicle stimulating hormone) to Therio, Inc., 8801 Anderson Ave., Manhattan, KS 66503. Accordingly, the Agency is amending the regulations in 21 CFR 522.1002 to reflect the transfer of ownership.

Following this change of sponsorship, Ausa International, Inc., is no longer the sponsor of an approved application. Accordingly, § 510.600 (21 CFR 510.600) is being amended to remove the entries for this firm.

In addition, Therio, Inc., is not currently listed in the animal drug regulations as a sponsor of an approved application. Accordingly, § 510.600 is being amended to add entries for this sponsor.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for "Ausa International, Inc."; and alphabetically add a new entry for "Therio, Inc."; and in the table in paragraph (c)(2), remove the entry for "059521"; and in numerical sequence add a new entry for "052923" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Therio, Inc., 8801 Anderson Ave., Manhattan, KS 66503	052923
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
052923	Therio, Inc., 8801 Anderson Ave., Manhattan, KS 66503
* * * * *	

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1002 [Amended]

■ 4. In paragraph (a)(2) of § 522.1002, remove "059521" and add in its place "No. 052923".

Dated: January 12, 2011.

Steven D. Vaughn,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 2011–909 Filed 1–14–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 24

[Docket Number: OSHA–2007–0028]

RIN 1218–AC25

Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of Six Environmental Statutes and Section 211 of the Energy Reorganization Act of 1974, as Amended

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document provides the final text of regulations governing the employee protection (or "whistleblower") provisions of Section 211 of the Energy Reorganization Act of 1974, as amended, ("ERA"), implementing the statutory changes enacted into law on August 8, 2005, as part of the Energy Policy Act of 2005. The regulations also finalize changes to the procedures for handling retaliation complaints under Section 211 of the ERA and the six environmental whistleblower statutes that were designed to make them as consistent as possible with the more recently promulgated procedures for handling retaliation complaints under other whistleblower provisions administered by the Occupational Safety and Health Administration (OSHA).

DATES: This final rule is effective on January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3610, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2199.

SUPPLEMENTARY INFORMATION:

I. Background

The Energy Policy Act of 2005, Public Law 109–58, was enacted on August 8, 2005. Among other provisions, this new law amended the employee protection provisions for nuclear whistleblowers under Section 211 of the ERA, 42 U.S.C. 5851; the statutory amendments affect only ERA whistleblower complaints. The changes to the regulations also affect the six environmental whistleblower statutes because the same procedures generally apply to each of the statutes covered in 29 CFR part 24. Because OSHA recognizes the importance of consistency in the procedures governing the whistleblower statutes that it administers, it has tried to standardize these regulations with other whistleblower regulations promulgated by OSHA to the extent possible within the bounds of the statutory language. We have removed from this background section as unnecessary and confusing the statement in the interim final rule that the 2005 ERA amendments apply to claims filed on or after August 8, 2005; OSHA takes no position in these regulations on the applicability of the 2005 ERA amendments to complaints filed with the Department before August 8, 2005.

II. Summary of Statutory Changes to ERA Whistleblower Provisions

Section 629 of Public Law 109–58 (119 Stat. 785) amended Section 211 of the ERA, 42 U.S.C. 5851, by making the changes described below.

Revised Definition of "Employer"

Section 211 of the ERA defined a covered "employer" to include: Licensees of the Nuclear Regulatory Commission ("Commission"); applicants for such licenses, and their contractors and subcontractors; contractors and subcontractors of the Department of Energy, except those involved in naval nuclear propulsion work under Executive Order 12344; licensees of an

agreement State under Section 274 of the Atomic Energy Act of 1954; applicants for such licenses, and their contractors and subcontractors. The August 2005 amendments revised the definition of "employer" to extend coverage to employees of contractors and subcontractors of the Commission; the Commission; and the Department of Energy.

De Novo Review

The August 2005 amendments added a provision for *de novo* review by a United States District Court in the event that the Secretary has not issued a final decision within one year after the filing of a complaint, and there is no showing that the delay is due to the bad faith of the complainant.

III. Summary of Regulations and Rulemaking Proceedings

On August 10, 2007, the Occupational Safety and Health Administration published in the **Federal Register** an interim final rule revising the rules that implemented Section 211 of the ERA, and the whistleblower provisions of the environmental statutes listed in part 24, 72 FR 44956–44969. In addition to promulgating the interim final rule, OSHA's notice included a request for public comment on the interim rules by October 9, 2007.

In response, two organizations—the Government Accountability Project ("GAP") and the National Whistleblower Center ("NWC")—and four individuals—William H. Ewing, Esq.; Richard R. Renner, Esq., Jason M. Zuckerman, Esq., and James F. Newport—filed comments with the agency within the public comment period. OSHA has reviewed and considered these comments and now adopts this final rule which has been revised in part to address problems perceived by the agency and the commenters.

General Comments

Richard R. Renner, Jason M. Zuckerman, and William H. Ewing commented generally that they believe the interim final regulations frustrate the purposes of the statutes to protect the public from environmental and nuclear safety dangers. They further commented that the interim final rule will deter complainants who have filed complaints under Section 211 of the ERA from seeking *de novo* relief in district courts. Renner and Zuckerman stated that previously the National Employment Lawyers Association helped initiate a liaison process with the Office of Administrative Law Judges (OALJ) and with OSHA "to establish avenues of communication among policy makers, whistleblower groups and employer groups" and expressed disappointment that the Department did not use that process to collect information and make decisions prior to issuing an interim final rule. Although no formal liaison process has been established, OSHA has met with representatives of the National Employment Lawyers Association and looks forward to further dialogue with its stakeholders.

The provisions in the interim final rule governing the filing of actions for *de novo* review in district court were modeled on the regulations implementing the whistleblower provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 ("SOX"), 18 U.S.C. 1514A, codified at 29 CFR part 1980. OSHA does not believe that those regulations have deterred complainants from taking actions to district court under the *de novo* review provision. Nevertheless, based on a review of the comments and the agency's further consideration, OSHA has made some changes to the preamble and regulatory provisions that address an employee's option of proceeding in district court.

IV. Summary and Discussion of Regulatory Provisions

The regulatory provisions in this part have been revised to be consistent with other whistleblower regulations promulgated by OSHA to the extent possible within the bounds of the statutory language of the ERA and the six environmental statutes listed in section 24.100(a). The section numbers of these regulations also have been changed to correspond with the numbering under the regulations implementing other whistleblower statutes administered by OSHA. Although these regulations are intended to be consistent with the majority of OSHA's other whistleblower regulations, they refer to actions brought under the whistleblower provisions of the ERA and the six environmental statutes as actions alleging "retaliation" rather than "discrimination." This change in terminology, which is not intended to have substantive effect, reflects that claims brought under these whistleblower provisions are prototypical retaliation claims. A retaliation claim is a specific type of discrimination claim that focuses on actions taken as a result of an employee's protected activity rather than as a result of an employee's characteristics (*e.g.,* race, gender, or religion).

Richard R. Renner and Jason Zuckerman commented that it would be helpful if the Department clarified in this Summary and Discussion of Regulatory Provisions that adverse actions in Title VII retaliation cases are not limited to tangible employment actions and that the burdens of proof in ERA cases, which were altered by statute in 1992, differ from the burdens of proof generally applicable to traditional discrimination cases. Renner and Zuckerman suggested that these principles can be clarified by including within the regulations definitions of "unfavorable personnel action," "clear and convincing evidence," and "contributing factor." OSHA does not believe that these clarifications are necessary in the regulations. However, OSHA has included a discussion of these phrases in the preamble. Also, as explained in more detail below, for clarity and consistency, the final regulations use the phrase "adverse action" throughout, rather than the phrase "unfavorable personnel action." In addition, both the preamble and the regulations clearly distinguish between the burdens of proof that apply under Section 211 of the ERA and the burdens of proof that apply under the six environmental whistleblower statutes.

Subpart A—Complaints, Investigations, Issuance of Findings

Section 24.100 Purpose and Scope

This section (formerly section 24.1) describes the purpose of the regulations implementing the whistleblower provisions of seven statutes enforced by the Secretary of Labor and provides an overview of the procedures covered by the regulations. The section has been revised to refer to the Federal Water Pollution Control Act, instead of the Clean Water Act. They are synonymous, but the Office of Administrative Law Judges and the Administrative Review Board (ARB) generally use Federal Water Pollution Control Act, and we do so here for the sake of consistency. In addition, the section has been renumbered to conform to the numbering system for other whistleblower regulations promulgated by OSHA. Thus, for example, former section 24.1 becomes current section 24.100. No comments were received on this section.

Section 24.101 Definitions

This new section includes general definitions applicable to the whistleblower provisions of the seven statutes listed in section 24.100(a). This section does not include program-specific definitions, which may be

found in the statutes. For purposes of clarity, OSHA has added a definition of "business days" to this definitional section. The term means days other than Saturday, Sunday, and Federal holidays.

One comment was received regarding the definitions contained in section 24.101. GAP commented that the definition of "Respondent" should include individuals other than employers, because the Solid Waste Disposal Act (SWDA), 42 U.S.C. 6971(a), provides that "[n]o person shall fire, or in any other way discriminate against * * * any employee" who has engaged in protected activity, and the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1367, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9610, have similar provisions. As GAP acknowledges in its comments, however, the ARB has held that notwithstanding the use of "person" in the FWPCA, SWDA, and CERCLA in place of "employer," the statutes nevertheless require that the respondent have an employment relationship with the complainant or act in the capacity of an employer, that is, exercise control over the terms, conditions, or privileges of the complainant's employment. *See, e.g., Culligan* v. *American Heavy Lifting Shipping Co.,* No. 03–046 (ARB June 30, 2004). Accordingly, OSHA does not believe that changes to the definition of Respondent are necessary.

Section 24.102 Obligations and Prohibited Acts

This section (formerly section 24.2) describes the activities that are protected under the statutes covered by this part, and the conduct that is prohibited in response to any protected activities. The language generally has been revised to conform to the language in the majority of the other whistleblower regulations promulgated by OSHA, to the extent possible within the bounds of the statutory language of the ERA and the six environmental statutes. The changes are not intended to be substantive. References to the statutes listed in section 24.100(a) have deleted the adjective "Federal" as unnecessary. Paragraph (e) has been moved from former section 24.9. We note that the ARB interprets the phrase "deliberate violations" for the purpose of denying protection to an employee as including an element of willfulness. *See Fields* v. *U.S. Dep't of Labor Admin. Review Bd.,* 173 F.3d 811, 814 (11th Cir. 1999) (petitioners knowingly conducted unauthorized and potentially dangerous experiments).

One comment was received regarding the obligations and prohibited acts contained in section 24.102. GAP commented that in section 24.102(a), the term "employer" is too restrictive with respect to the FWPCA, CERCLA, and SWDA. As discussed above, the ARB has held that the use of "person" in the FWPCA, SWDA, and CERCLA in place of "employer" still requires that the respondent have an employment relationship with the complainant or act in the capacity of an employer. Accordingly, OSHA does not believe that use of the term "employer" is too restrictive in section 24.102(a). We note that former section 24.2 also used the term "employer" in describing obligations and prohibited acts. GAP also commented that the phrase "or otherwise retaliate against" should be changed to the statutory language "or otherwise discriminate against" to be consistent with the statutes, and that the language in section 24.102(c) describing the prohibitions under the ERA also should be changed from "retaliate" to "discriminate," because "'[d]iscrimination' and 'retaliation' are not synonyms." According to GAP, the latter term "requires a showing of animus; the former only disparate treatment." As noted in this preamble, the use of the term "retaliation" in lieu of "discrimination" in these regulations is not meant to have a substantive distinction. Rather, the change in nomenclature reflects that claims brought under these whistleblower provisions are prototypical retaliation claims. Use of the term "retaliation" does not preclude a complaint based on an allegation of "disparate treatment," as suggested by GAP. A discrimination claim based on "disparate treatment" requires a showing of intent to discriminate. *See, e.g., EEOC* v. *Joe's Stone Crab, Inc.,* 220 F.3d 1263, 1283–84 (11th Cir. 2000). Similarly, a retaliation claim requires a showing of intent to retaliate. *See Wallace* v. *DTG Operations, Inc.,* 442 F.3d 1112, 1119 (8th Cir. 2006) ("The ultimate question in any retaliation case is whether the employer's adverse action against the employee was motivated by retaliatory intent."). Accordingly, OSHA does not believe that it is necessary to change its use of the word "retaliation," which is an accurate description of the type of discrimination claim that is at issue under the whistleblower provisions of the ERA and the six environmental statutes.

Section 24.103 Filing of Retaliation Complaint

This section (formerly section 24.3) has been revised to be consistent with the regulatory procedures implementing other whistleblower provisions administered by OSHA. Thus, the section heading has been changed from "Complaint" to "Filing of retaliation complaint." Also, paragraph (c) has been changed to paragraph (b) and the heading has been changed from "Form of Complaint" to "Nature of filing." Paragraph (d) has been changed to paragraph (c); and paragraph (b) has been changed to paragraph (d) and the language has been changed to conform with that appearing in most of OSHA's other whistleblower regulations. Finally, paragraph (e) "Relationship to section 11(c) complaints" has been added to explain the policy of the Secretary regarding the relationship between complaints filed under the statutes listed in section 24.100(a) and a complaint under Section 11(c) of the Occupational Safety and Health Act. No comments were received on this section.

The final regulation in paragraph (b) has been revised to provide that no particular form of complaint is required. Paragraph (b) specifies that a complaint may be made orally or in writing. It also states that when a complaint is made orally, OSHA will reduce the complaint to writing and that if a complainant is not able to file the complaint in English, the complaint may be filed in any language. These changes are consistent with decisions of the ARB, which have permitted oral complaints. *See, e.g., Roberts* v. *Rivas Environmental Consultants, Inc.,* 96–CER–1, 1997 WL 578330, at *3 n.6 (Admin. Review Bd. Sept. 17, 1997) (complainant's oral statement to an OSHA investigator, and the subsequent preparation of an internal memorandum by that investigator summarizing the oral complaint, satisfies the "in writing" requirement of CERCLA, 42 U.S.C. § 9610(b), and the Department's accompanying regulations in 29 CFR part 24); *Dartey* v. *Zack Co. of Chicago,* No. 82–ERA–2, 1983 WL 189787, at *3 n.1 (Sec'y of Labor Apr. 25, 1983) (adopting administrative law judge's findings that complainant's filing of a complaint to the wrong DOL office did not render the filing invalid and that the agency's memorandum of the complaint satisfied the "in writing" requirement of the ERA and the Department's accompanying regulations in 29 CFR part 24). Moreover, this is consistent with OSHA's longstanding practice of accepting oral complaints filed under Section 11(c) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 660(c); Section 211 of the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. 2651; Section 7 of the International Safe Container Act of 1977, 46 U.S.C. 80507; and the Surface

Transportation Assistance Act of 1982, 49 U.S.C. 31105.

Section 24.104 Investigation

This section (formerly section 24.4) has been revised so that its language will conform more closely to the language of the majority of OSHA's other whistleblower regulations. Additionally, former paragraph (b) of section 24.5 has been revised and moved to this section, and former paragraph (d) of section 24.4 has been revised and moved to section 24.105, where it more appropriately appears under "Issuance of findings and orders."

Paragraphs (e) and (f) of section 24.104 set forth the standards of causation that OSHA applies to cases under the six environmental whistleblower statutes and the ERA. When adjudicating whistleblower complaints under the six environmental whistleblower statutes, the Department has relied on standards derived from discrimination case law as set forth under *Mt. Healthy City School District Board of Education* v. *Doyle,* 429 U.S. 274 (1977); *Price Waterhouse* v. *Hopkins,* 490 U.S. 228 (1989); *Texas Department of Community Affairs* v. *Burdine,* 450 U.S. 248 (1981); and *McDonnell Douglas Corp.* v. *Green,* 411 U.S. 792 (1973). *See Abdur-Rahman* v. *Dekalb County,* ARB Case Nos. 08–003, 10–074, 2010 WL 2158226, at *6 (Admin. Review Bd. May 18, 2010) (motion for reconsideration pending); *Dartey* v. *Zack Co.,* No. 82–ERA–2, 1983 WL 189787, at *3–*4 (Sec'y of Labor Apr. 25, 1983). Under these standards, a complainant may prove retaliation either by showing that the respondent took the adverse action because of the complainant's protected activity or by showing that retaliation was a motivating factor in the adverse action (*i.e.* a "mixed-motive analysis"). *See, e.g., Abdur-Rahman,* 2010 WL 2158226, at *6 (FWPCA case applying a mixed motive analysis); *Higgins* v. *Alyeska Pipeline Serv. Corp.,* ARB Case No. 01–022, 2003 WL 21488356, at *4 (Admin. Review Bd. June 27, 2003) (explaining burdens of proof applicable to claims under TSCA, SWDA, and CAA); *Masek* v. *The Cadle Co.,* ARB Case No. 97–069, 2000 WL 562699, at *9–*10 (Admin. Review Bd. Apr. 28, 2000) (explaining burdens of proof applicable to claims under FWCPA, TSCA, CAA and CERCLA); *Combs* v. *Lambda Link,* ARB Case No. 96–066, 1997 WL 665483, at *1–*2 (Admin. Review Bd. Oct. 17, 1997) (applying mixed-motive analysis under CAA, TSCA, FWCPA).

If the complainant demonstrates that the respondent acted at least in part for prohibited reasons, the burden shifts to the respondent to prove by a preponderance of the evidence, that it would have reached the same decision even in the absence of protected activity. *See, e.g., Dixon* v. *U.S. Dep't of Interior, Bureau of Land Mgmt.,* ARB Case No. 06–14706–160, 2008 WL 4124113, at *9–*10 (Admin. Review Bd. Aug. 28, 2008) (applying "mixed motive" analysis to claims under CERCLA and SDWA); *Dartey,* 1983 WL 189787, at *4 (discussing *Mt. Healthy,* 429 U.S. at 287). In such cases, the employer "bears the risk that 'the influence of legal and illegal motives cannot be separated.'" *Mackowiak* v. *Univ. Nuclear Sys. Inc.,* 735 F.2d 1159, 1164 (9th Cir. 1984) (ERA case) (which quoted *NLRB* v. *Transp. Mgmt. Corp.,* 462 U.S. 393, 403 (1983)).

At the investigation stage, OSHA will dismiss the complaint unless the complainant makes a prima facie showing that protected activity was at least a motivating factor in the alleged adverse action. The complaint, supplemented as appropriate by interviews of the complainant, must allege the existence of facts and evidence to make a prima facie showing as follows:

(i) The employee engaged in a protected activity;

(ii) The respondent knew or suspected that the employee engaged in the protected activity;

(iii) The employee suffered an adverse action; and

(iv) The circumstances were sufficient to raise the inference that the protected activity was a motivating factor in the adverse action.

The complainant will be considered to have met the required showing if the complaint on its face, supplemented as appropriate through interviews of the complainant, alleges the existence of facts and either direct or circumstantial evidence sufficient to give rise to an inference that the respondent knew or suspected that the employee engaged in protected activity and that the protected activity was a motivating factor in the adverse action. The required showing may be satisfied, for example, if the complainant shows that the adverse action took place shortly after the protected activity, giving rise to the inference that it was a motivating factor in the adverse action. OSHA will dismiss the complaint if a preponderance of the evidence shows that the respondent would have taken the same adverse action in the absence of the complainant's protected activity.

The Department recognizes that after promulgation of the interim final rule, the Supreme Court issued *Gross* v. *FBL Financial Services, Inc.,* 129 S. Ct. 2343 (2009). The Court held in *Gross* that the prohibition against discrimination "because of" age in the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 623(a)(1), requires a plaintiff to "prove that age was the 'but-for' cause of the employer's adverse decision." 129 S. Ct. at 2350 (citation omitted). The Court rejected arguments that a plaintiff could prevail in an action under the ADEA by showing that discrimination was a motivating factor for the adverse decision, after which the employer had the burden of proving that it would have reached the same decision for non-discriminatory reasons. *Id.* at 2351–52.

The Department does not believe that the Supreme Court's decision in *Gross* affects the long-standing burden-shifting framework applied in mixed-motive cases under the six environmental whistleblower statutes as reflected in the Department's regulations and case law. The Supreme Court's *Gross* decision involved an age discrimination case under the ADEA, not retaliation cases filed by individuals under the environmental statutes. The Supreme Court cautioned in *Gross* itself that "[w]hen conducting statutory interpretation, we 'must be careful not to apply rules applicable under one statute to a different statute without careful and critical examination.'" *Id.* at 2349 (quoting *Fed. Express Corp.* v. *Holowecki,* 552 U.S. 389, 393 (2008)); *see Smith* v. *Xerox Corp.,* 602 F.3d 320 (5th Cir. 2010) (ADEA analysis in *Gross* is inapplicable to Title VII anti-retaliation cases); *But see, e.g., Serwatka* v. *Rockwell Automation, Inc.,* 591 F.3d 957 (7th Cir. 2010) (applying *Gross* reasoning to Americans with Disabilities Act).

In addition, as the Court noted in *Gross,* its decision did not conflict with, or undermine, prior Supreme Court decisions applying the mixed motive burden-shifting framework to Constitutional cases and cases under the National Labor Relations Act (NLRA). *Gross,* 129 S. Ct. at 2352 n.6 (citing *Transp. Mgmt. Corp.,* 462 U.S. at 401–403; and *Mt. Healthy City Bd. of Educ.,* 429 U.S. at 287); *but see Fairley* v. *Andrews,* 578 F.3d 518 (7th Cir. 2009) (applying *Gross* reasoning to First Amendment case), *cert. denied,* 130 S. Ct. 3320 (2010). The Court recognized the appropriateness of deferring to the National Labor Relations Board's (NLRB's) interpretation of the NLRA to allow a mixed motive burden-shifting analysis. *Gross,* 129 S. Ct. at 2352 n.6 ("The case involving the NLRA did not require the Court to decide in the first instance whether burden shifting should apply as the Court instead deferred to

the National Labor Relations Board's determination that such a framework was appropriate") (citation omitted); *see Hunter* v. *Valley View Local Schs.,* 579 F.3d 688, 691–92 (6th Cir. 2009) (deferring to Department of Labor's Family and Medical Leave Act (FMLA) regulations in holding that prohibition in FMLA against interference with the exercise of rights permits mixed-motive analysis after *Gross*). With regard to the environmental whistleblower provisions, as with the NLRB's interpretation of the NLRA, the Secretary's longstanding administrative case law permits a mixed-motive analysis. This case law is due deference as the Secretary's reasonable interpretation of the environmental whistleblower statutes. *Knox* v. *U.S. Dep't of Labor,* 434 F.3d 721, 724 (4th Cir. 2006) ("We review the ARB's interpretation of the CAA under the deferential standard set forth in *Chevron U.S.A., Inc.* v. *Natural Resources Defense Council, Inc.*"); *Anderson* v. *U.S. Dep't of Labor,* 422 F.3d 1155, 1173, 1181 (10th Cir. 2005) (providing Chevron deference to the ARB's construction of the environmental whistleblower statutes); *Reid* v. *Sec'y of Labor,* No. 95–3648, 1996 WL 742221, at *1 (6th Cir. 1996) (unpubl'd) (106 F.3d 401 (Table)) (deferring to Secretary's reasonable construction of the term employee under CAA); *Mackowiak,* 735 F.2d at 1164 (deferring to Secretary's application of mixed-motive analysis under pre-amendment version of the ERA).

Finally, the Court in *Gross* based its decision that a mixed-motive analysis was inapplicable to the ADEA in part on its determination that Congress decided not to amend the ADEA to clarify that a mixed-motive analysis applied when it amended both the ADEA and Title VII in the Civil Rights Act of 1991 (Title VII). *Gross,* 129 S. Ct. at 2349 ("Unlike Title VII, the ADEA's text does not provide that a plaintiff may establish discrimination by showing that age was simply a motivating factor. Moreover, Congress neglected to add such a provision to the ADEA when it amended Title VII to add §§ 2000e–2(m) and 2000e–5(g)(2)(B), even though it contemporaneously amended the ADEA in several ways") (citations omitted). In so finding, the Court noted that "'negative implications raised by disparate provisions are strongest' when the provisions were 'considered simultaneously when the language raising the implication was inserted.'" *Id.* (quoting *Lindh* v. *Murphy,* 521 U.S. 320, 330 (1997)). Congress did not consider amendments to the environmental whistleblower provisions when it amended Title VII and the ADEA in the Civil Rights Act of 1991. Thus, the environmental whistleblower statutes do not raise the strong negative implications that the Supreme Court noted in *Gross.*

The Department therefore believes that the application of a mixed-motive analysis to the environmental whistleblower statutes continues to be appropriate based on the ARB's longstanding decisions interpreting these statutes, is consistent with Congress' intent and is reasonable in the context of the remedial purposes of these laws to safeguard workers from retaliation for protected activity involving the public health and the environment.

Paragraph (f) of this section, which sets forth procedures that apply only in ERA cases, applies the ERA's statutory burdens of proof. Since the 1992 amendments to the ERA, its whistleblower provisions, in contrast to the other whistleblower provisions listed under section 24.100(a), have contained specific statutory standards for the dismissal and adjudication of complaints. *See* 42 U.S.C. 5851(b)(3)(A) through (b)(3)(D); Public Law 102–486, § 2902, 106 Stat. at 3123–3124. Because the ERA expressly sets forth the burdens of proof that apply to retaliation claims under that statute, the holding in *Gross* does not apply to the ERA. The ERA requires that a complainant make an initial prima facie showing that his or her protected activity was "a contributing factor" in the adverse action alleged in the complaint, *i.e.,* that the protected activity, alone or in combination with other factors, affected in some way the outcome of the employer's decision. 42 U.S.C. 5851(b)(3)(A). If the complainant does not make the prima facie showing, the investigation must be discontinued and the complaint dismissed. *See Trimmer* v. *U.S. Dep't of Labor,* 174 F.3d 1098, 1101 (10th Cir. 1999) (noting that the distinct burden-shifting framework of the 1992 ERA amendments served a "gatekeeping function" that "stemmed frivolous complaints"). Even in cases where the complainant successfully makes a prima facie showing, the investigation must be discontinued if the employer demonstrates, by clear and convincing evidence, that it would have taken the same adverse action in the absence of the protected activity. Thus, under the ERA, the Secretary must dismiss the complaint and not investigate (or cease investigating) if either: (1) The complainant fails to meet the prima facie showing that protected activity was a contributing factor in the adverse action; or (2) the employer rebuts that showing by clear and convincing evidence that it would have taken the same adverse action absent the protected activity. Assuming that an investigation proceeds beyond the gatekeeping phase, the ERA specifies statutory burdens of proof that require an employee to prove that the alleged protected activity was a "contributing factor" to the alleged adverse action. 42 U.S.C. 5851(b)(3)(C). If the employee proves that the alleged protected activity was a contributing factor to the adverse action, the employer, to escape liability, must prove by "clear and convincing evidence" that it would have taken the same action in the absence of the protected activity. A contributing factor is "any factor, which alone or in combination with other factors, tends to affect in any way the outcome of the decision." *Marano* v. *Dep't of Justice,* 2 F.3d 1137, 1140 (Fed. Cir. 1993) (Whistleblower Protection Act, 5 U.S.C. 1221(e)(1)); *cf. Trimmer,* 174 F.3d at 1101 (the 1992 amendments aimed, in part, "to make it easier for [ERA] whistleblowers to prevail in their discrimination suits")). In proving that protected activity was a contributing factor in the adverse action, "a complainant need not necessarily prove that the respondent's articulated reason was a pretext in order to prevail," because a complainant alternatively can prevail by showing that the respondent's "'reason, while true, is only one of the reasons for its conduct,'" and that another reason was complainant's protected activity. *See Klopfenstein* v. *PCC Flow Techs. Holdings, Inc.,* No. 04–149, 2006 WL 1516650, *13 (ARB May 31, 2006) (discussing contributing factor test under SOX) (citing *Rachid* v. *Jack in the Box, Inc.,* 376 F.3d 305, 312 (5th Cir. 2004)).

The ERA statutory burdens of proof do not address the evidentiary standard that applies to a complainant's proof that protected activity was a contributing factor in an adverse action. Adhering to traditional Title VII discrimination law, it is the Secretary's position that the complainant must prove by a "preponderance of the evidence" that his or her protected activity contributed to the adverse action; otherwise, the burden never shifts to the employer to establish its "clear and convincing evidence" defense. *See, e.g., Dysert* v. *U.S. Sec'y of Labor,* 105 F.3d 607, 609 (11th Cir. 1997) (upholding Department's interpretation of 42 U.S.C. 5851(b)(3)(C), as requiring an employee to prove by a preponderance of the evidence that

protected activity was a contributing factor in an adverse action); *see also Trimmer,* 174 F.3d at 1102 ("[o]nly if the complainant meets his burden [of proving by a preponderance of the evidence that he engaged in protected activity that was a contributing factor in an adverse action] does the burden then shift to the employer to demonstrate by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of such behavior."); *Stone & Webster Engineering Corp.* v. *Herman,* 115 F.3d 1568, 1572 (11th Cir. 1997) (under section 5851, an employee must first persuade the Secretary that protected activity was a contributing factor in an adverse action and then, if the employee succeeds, the employer must prove by clear and convincing evidence that it would have taken the same action in the absence of protected activity).

The 1992 ERA amendments altered the employer's burden in traditional "mixed motive" cases; under the ERA, once the Secretary concludes that the employer acted for both prohibited and legitimate reasons, the employer can escape liability only by proving by clear and convincing evidence that it would have reached the same decision even in the absence of the protected activity. 42 U.S.C. 5851(b)(3)(D). The "clear and convincing evidence" standard is a higher burden of proof for employers than the former "preponderance of the evidence" standard. *See* 138 Cong. Rec. 32,081, 32,082 (1992). Comments were received on section 24.104 from GAP, NWC, William H. Ewing, Richard R. Renner, and Jason M. Zuckerman. GAP, Ewing, Renner, and Zuckerman commented that section 24.104(b) should require that the respondent's responses to the complaint be served on the complainant. According to GAP, while the procedures currently require the complainant to provide information that can be reviewed by the respondent, they do not require the respondent to share information with the complainant. Ewing, Renner, and Zuckerman commented that investigations would be improved if complainants were given copies of the respondents' responses. OSHA believes that these concerns are valid and has specified in the regulation that the agency will provide to the complainant (or the complainant's legal counsel if complainant is represented by counsel) a copy of all of respondent's submissions to the agency that are responsive to the complainant's whistleblower complaint. Before providing such materials to the complainant or the complainant's legal counsel, the agency will redact them, if necessary, in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, *et seq.,* and other applicable confidentiality laws. The agency expects that sharing information with complainants in accordance with this new provision will enhance OSHA's ability to conduct full and fair investigations and permit the Assistant Secretary to more thoroughly assess defenses raised by respondents.

Commenting on section 24.104(c), Renner and Zuckerman commented that it is important for employee witnesses of respondents to have the option of meeting privately with the OSHA investigator because they may be reluctant to speak to investigators for fear of retaliation. While OSHA does not believe that any changes to its regulations are necessary, it is OSHA's policy to meet privately with non-management employees. The facts and circumstances of each case will be considered in determining whether an employee is a non-management employee. In addition, the whistleblower provisions of the six environmental statutes and the ERA protect management employees to the same extent that they protect non-management employees. Thus, where the complainant is a management employee, it is OSHA's policy to meet privately with the complainant.

GAP objected to OSHA's use in sections 24.104(d) and (e) of the terms "unfavorable personnel action" and "adverse personnel action," because those terms suggest that only actions taken by an employer's personnel or human resources departments are actionable. OSHA does not believe that the reference to "personnel action" in sections 24.104(d) and (e) of the interim final rule suggested that only adverse actions taken by personnel or human resources departments are actionable. However, for clarity and consistency, the final regulatory text has been changed to use "adverse action" throughout.

GAP also commented with respect to section 24.104(e)(4) that to refuse to investigate or discontinue an investigation before all of the evidence is reviewed by OSHA is "inconsistent with the letter and spirit of the employee protection provision of the ERA," and that only where there is no evidence of protected activity should an investigation be either not conducted or discontinued. Moreover, GAP commented that "[t]he regulations must specify that investigators pay particular attention to pretext in the form of misuse of policies or unequal enforcement of policies against those who engage in protected activity." OSHA does not believe that these comments require revisions to the regulations. The language contained in section 24.104(e)(4) reflects the statutory language of the ERA. *See* 42 U.S.C. 5851(b)(3)(A) and (3)(B). OSHA conducts fair and impartial investigations of whistleblower complaints. In evaluating the merits of a complaint, investigators credit only explanations for adverse action taken by an employer that are supported by the evidence.

NWC commented that these regulations should adopt the statutory ERA burdens of proof for complaints filed under the six environmental statutes, because since the 1992 ERA amendments, Congress has applied the ERA burdens of proof to other whistleblower statutes that it has enacted or amended, including the Pipeline Safety Improvement Act of 2002 ("PSIA"), 49 U.S.C. 60129; SOX; the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century ("AIR21"), 49 U.S.C. 42121; and the Surface Transportation Assistance Act of 1982 ("STAA"), 49 U.S.C. 31105. NWC commented in this regard that the burdens of proof currently applied to the six environmental whistleblower acts are not statutory, but are based on employment discrimination law (Title VII), and that using the ERA burdens of proof for the six environmental statutes would serve the interests of justice. However, absent specific statutory direction, OSHA does not believe it is appropriate to apply the ERA's burdens of proof to the six environmental statutes.

Section 24.105 Issuance of Findings and Orders

The procedures set forth in this section formerly appeared under a paragraph of section 24.4, the Investigations section. This new section was created for purposes of clarification and consistency with a majority of the other whistleblower regulations promulgated by OSHA. The former regulations provided that the Assistant Secretary would issue a "Notice of Determination" at the conclusion of the investigation, or upon dismissal of a complaint. These regulations no longer use the term "Notice of Determination." Instead, the regulations refer to the issuance of findings and orders, the nomenclature used in most of OSHA's other whistleblower regulations. This change in nomenclature is not intended to be substantive.

The 30-day timeframe for completion of the investigation has been retained because it is a statutory requirement under the majority of the whistleblower

statutes covered by this part (the Solid Waste Disposal Act, the Federal Water Pollution Control Act, and the Comprehensive Environmental Response, Compensation and Liability Act have no timeframe). The current regulations provide a 5-business-day timeframe for filing objections to the findings. These new regulations have been changed to provide that if no objections to the Assistant Secretary's findings and order are filed within 30 days of their receipt, the findings and order of the Assistant Secretary will become the final order of the Secretary. Thus, the timeframe for objecting to the findings and/or order and for requesting a hearing has been extended from 5 business days to 30 days. The Secretary is aware that, since the ERA, the Clean Air Act ("CAA"), the Safe Drinking Water Act ("SDWA"), and the Toxic Substances Control Act ("TSCA") provide that the Secretary should issue a final decision within 90 days of the filing of the complaint, allowing the parties 30 days in which to object to the Assistant Secretary's findings and any order issued may have an impact on the Department's meeting the 90-day timeframe. Although the ERA amendments in 2005 did not change the 90-day timeframe, the Secretary believes that in amending the ERA in 2005, Congress recognized that it appropriately could take up to one year to complete the investigatory and adjudicative processing of a whistleblower complaint (*i.e.,* issue a final decision of the Secretary) under these environmental statutes. Accordingly, the Secretary believes that allowing 30 days for a party to object to the Assistant Secretary's findings and request a hearing is warranted. Not only does the extension make the regulations more consistent with those implementing the majority of the other whistleblower statutes administered by OSHA, it also offers the parties a more reasonable timeframe in which to consider whether to appeal the Assistant Secretary's findings.

With regard to this section, GAP, William H. Ewing, Richard R. Renner and Jason M. Zuckerman expressed approval for OSHA's decision to increase the time period for seeking a hearing from five business days to 30 days. In addition, GAP, Ewing, Renner, and Zuckerman commented that in section 24.105(b), the rule should specifically require service on the attorney of record for each party (if the party has counsel). Ewing, Renner, and Zuckerman commented that alternatively, the rule should allow objections within 30 days of the last date of service, when the party and his or her attorney are served at different times. Although it is already OSHA's policy to send its findings to the complainant and the respondent by certified mail with copies to their respective attorneys, OSHA has revised the regulations to require service on the attorney of record.

Subpart B—Litigation

Section 24.106 Objections to the Findings and Order and Request for a Hearing

Formerly, the procedures for requesting a hearing before an administrative law judge ("ALJ") were set forth under section 24.6. As indicated above, to be effective, objections to the findings of the Assistant Secretary must be in writing and must be filed with the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street, NW., Washington, DC 20001 within 30 days of receipt of the findings. The date of the postmark, facsimile transmittal, or e-mail communication is considered the date of the filing; if the objection is filed in person, by hand-delivery or other means, the objection is filed upon receipt. The filing of objections is also considered a request for a hearing before an ALJ. Although the parties are directed to serve a copy of their objections to the other parties of record, as well as the OSHA official who issued the findings and order, the Assistant Secretary, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, 200 Constitution Ave., NW., Room N–2716, Washington, DC 20210, the failure to serve copies of the objections to the other parties of record does not affect the ALJ's jurisdiction to hear and decide the merits of the case. *See Shirani* v. *Calvert Cliffs Nuclear Power Plant, Inc.,* No. 04–101, 2005 WL 2865915, *7 (ARB Oct. 31, 2005).

GAP commented that the language in section 24.106(a) needs to be clarified because it is unclear whether detailed objections, which are unnecessary since an administrative hearing is *de novo,* must accompany a hearing request. GAP suggested that the regulation be changed to state that "it is sufficient for an objecting party to request a hearing." OSHA has considered this concern and does not believe that changes to the rule are necessary or that the suggested change would add helpful clarification; the rule contains no requirement that a party file detailed objections to request a hearing.

Section 24.107 Hearings

This section has been revised to conform to the majority of the other whistleblower regulations promulgated by OSHA. The interim final rule adopted the rules of practice of the Office of Administrative Law Judges at 29 CFR part 18, subpart A. In order to assist in obtaining full development of the facts in whistleblower proceedings, however, the interim final rule provided that formal rules of evidence do not apply. The section specifically provides for consolidation of hearings if both the complainant and respondent object to the findings and/or order of the Assistant Secretary. Otherwise, this section no longer addresses procedural issues, *e.g.,* place of hearing, right to counsel, procedures, evidence and record of hearing, oral arguments and briefs, and dismissal for cause, because the Office of Administrative Law Judges has adopted its own rules of practice that cover these matters. In order for hearings to be conducted as expeditiously as possible, and particularly in light of the provision in the ERA allowing complainants to seek a *de novo* hearing in Federal court if the Secretary has not issued a final decision within one year of the filing of the complaint, this section in the interim final rule provided that the ALJ has broad authority to limit discovery. The preamble noted, for example, that an ALJ may limit the number of interrogatories, requests for production of documents, or depositions allowed. The preamble also noted that an ALJ may exercise discretion to limit discovery unless the complainant agrees to delay filing a complaint in Federal court for some definite period of time beyond the one-year point; and that if a complainant seeks excessive or burdensome discovery under the ALJ's rules and procedures at part 18 of Title 29, or fails to adhere to an agreement to delay filing a complaint in Federal court, a district court considering a request for *de novo* review might conclude that such conduct resulted in a delay due to the claimant's bad faith.

Former paragraphs (f) and (g) of this section have been moved to section 24.108.

Comments on section 24.107 were received from GAP, NWC, William H. Ewing, James F. Newport, Richard R. Renner, and Jason M. Zuckerman. GAP commented that this section should be rewritten to de-emphasize the importance of an expeditious hearing. According to GAP, limiting discovery injures complainants to a greater extent than respondents because the documents needed to prove their cases

are in the possession of the respondents. Similarly, NWC, Ewing, Newport, Renner, and Zuckerman opposed the last sentence of section 24.107(b), which provides ALJs with broad discretion to limit discovery to expedite hearings. NWC commented that there is no legal basis for treating discovery in whistleblower cases differently from how it is treated in Title VII cases and that it is inconsistent with the interests of justice and Congressional intent to limit the ability of whistleblowers to obtain evidence in discovery while holding them to the same evidentiary burden applicable in Title VII cases. Ewing, Renner, and Zuckerman suggested that instead of limiting discovery, hearings could be expedited by requiring parties to comply with the initial disclosure requirements under Federal Rules of Civil Procedure 26(a)(1), by shortening the time permitted for discovery, and by providing that ALJs can make adverse inferences of unlawful retaliation based on a respondent's failure to respond fully and completely to discovery requests. They also commented that hearings could be expedited by requiring parties to provide discovery responses in searchable electronic forms when a party has the responsive information in such forms. GAP also commented that the Department should clarify that it will not be considered bad faith "to seek discovery; seek reasonable delays to allow discovery; or to accommodate the schedules of the parties, their counsel or the ALJ." Suggesting that most delays in administrative cases occur either at the investigative stage or during ARB review, GAP added that complainants should not be penalized for necessary delays at the hearing stage.

The provisions and statements to which GAP, NWC, Ewing, Newport, Renner, and Zuckerman object were intended by OSHA to implement Congress's intent that administrative whistleblower hearings under the ERA proceed expeditiously. *See* 42 U.S.C. 5851(b)(2)(A) and (b)(4). OSHA believes that the short time frames provided under the whistleblower statutes generally, as well as the provision in Section 211 of the ERA providing for *de novo* review in district court, illustrate a congressional intent that the Department expedite its administrative hearings and procedures. Nevertheless, after carefully considering the comments, OSHA has decided to remove the regulatory provision in the rule stating that ALJs have broad discretion to limit discovery. The provision essentially reiterates authority that ALJs currently possess under their procedural rules at 29 CFR 18.14—18.21, which permit judges to limit discovery in appropriate circumstances as well as to make adverse inferences where parties fail to comply with their discovery orders. Accordingly, the provision is not necessary. In response to GAP's comments, OSHA also has eliminated from the preamble the suggestion that a complainant's attempts to engage in extensive discovery when prosecuting or defending a claim before an ALJ might constitute a presumption of bad faith delay. And while OSHA agrees that it would be beneficial for parties to provide discovery responses in searchable electronic formats, it does not believe that it is appropriate for these regulations to specify how discovery in a particular case should proceed. The final rule now adopts the rules of evidence of the Office of Administrative Law Judges at 29 CFR part 18, subpart B, as well as the rules of practice at subpart A. Because it is no longer necessary for this rule to address evidentiary matters, paragraph (d) of this section has been deleted.

NWC commented regarding the preamble's discussion of this section that OSHA should not permit an employee to enter into an agreement to delay filing a complaint in district court because the jurisdictional time period for filing such an action cannot be altered by regulation. Rather, NWC commented that OSHA should add to section 24.107 a procedure in cases where third-party witnesses refuse to testify that permits employees to seek stays of their administrative proceedings so that they may file district court complaints once the one-year "kick-out" period has passed. NWC believes that such a procedure would encourage third-party witnesses who cannot be compelled by subpoena to testify in a whistleblower case to voluntarily appear before an ALJ proceeding. While third-party witnesses may be more inclined to voluntarily testify at ALJ hearings as an alternative to being compelled to testify in district court pursuant to a subpoena, OSHA does not believe that a special regulatory procedure to enable complainants to seek stays prior to filing in district court is necessary; the regulations do not prohibit an employee from seeking a stay from an ALJ based on his or her intention to file a *de novo* action in district court.

Finally, James F. Newport commented that the new rule shifts the cost of attending hearings to the complainant by removing the requirement that the hearing be held within 75 miles of the complainant's residence (*see* former section 24.6(c)). Newport commented that this change could discourage complainants from pursuing a case because of the financial burden. OSHA does not believe that the removal of the requirement that the hearing be held within 75 miles of the complainant's residence will discourage complainants from pursuing a case due to financial burden. This rule provides that the rules of practice and procedures for administrative hearings before the OALJ should apply to ALJ hearings. The OALJ's rules of practice and procedure provide, at 29 CFR 18.27(c): "Unless otherwise required by statute or regulations, due regard shall be given to the convenience of the parties and the witnesses in selecting a place for the hearing." This same provision has governed the scheduling of hearings under regulations implementing the whistleblower protection provisions of AIR21, 29 CFR part 1979; SOX, 29 CFR part 1980; and PSIA, 29 CFR part 1981. No evidence has been submitted to suggest that complainants have been discouraged from pursuing cases under those statutes out of concern for the potential location of the hearing.

Section 24.108 Role of Federal Agencies

This new section was added to conform these regulations to the majority of OSHA's other whistleblower regulations. As noted above, the substance of this section formerly was set forth under paragraphs (f) and (g) of section 24.6, the section covering hearings. No substantive changes are intended. Under the ERA and the environmental whistleblower statutes, OSHA does not ordinarily appear as a party in the proceeding. The Secretary has found that in most whistleblower cases, parties have been ably represented and the public interest has not required the Department's participation. Nevertheless, the Assistant Secretary, at his or her discretion, may participate as a party or amicus curiae at any time in the administrative proceedings. For example, the Assistant Secretary may exercise his or her discretion to prosecute the case in the administrative proceeding before an ALJ; petition for review of a decision of an ALJ, including a decision based on a settlement agreement between the complainant and the respondent, regardless of whether the Assistant Secretary participated before the ALJ; or participate as amicus curiae before the ALJ or in the ARB proceeding. Although we anticipate that ordinarily the Assistant Secretary will not participate, the Assistant Secretary may choose to

do so in appropriate cases, such as cases involving important or novel legal issues, large numbers of employees, alleged violations which appear egregious, or where the interests of justice might require participation by the Assistant Secretary. The Environmental Protection Agency, the Nuclear Regulatory Commission, and the Department of Energy, at those agencies' discretion, also may participate as amicus curiae at any time in the proceedings.

NWC commented that when a State agency is named as a party, OSHA should be required to intervene or participate as a party in the proceeding. In support of this comment, NWC stated that the public interest would be served if OSHA intervened in every case in which a State agency is a named respondent because Congress intended that the whistleblower provisions of the six environmental acts cover State agencies. Richard R. Renner and Jason M. Zuckerman commented that OSHA should consider intervening on behalf of complainants, especially where a complainant is *pro se,* disputing OSHA's statement in the preamble that "in most whistleblower cases, parties have been ably represented and the public interest has not required the Department's participation."

OSHA continues to believe that its participation as a routine matter in all whistleblower cases is neither necessary nor an effective use of its resources. Nevertheless, as noted above, it is OSHA's policy to consider participating in cases in which the Assistant Secretary considers the agency's participation to be in the interests of justice. The inability of complainants to pursue their own actions against State employers and their lack of representation by counsel are among the factors that OSHA considers when exercising its discretion to intervene as a party or as an *amicus.*

Section 24.109 Decision and Order of the Administrative Law Judge

This section sets forth the content of the decision and order of the ALJ, and includes the standard for finding a violation under the environmental statutes and the ERA. The section further provides that the Assistant Secretary's determination to dismiss the complaint without an investigation or without a complete investigation pursuant to section 24.104 is not subject to review. Thus, paragraph (c) of section 24.109 clarifies that the Assistant Secretary's determinations on whether to proceed with an investigation under the ERA and whether to make particular investigative findings under any of the statutes subject to this part are discretionary decisions not subject to review by the ALJ. The ALJ hears cases *de novo* and, therefore, as a general matter, may not remand cases to the Assistant Secretary to conduct an investigation or make further factual findings. Paragraph (c) further clarifies that the ALJ will either hear a case on the merits or dispose of the matter without a hearing if appropriate. A full discussion of the burdens of proof used by the Department of Labor to resolve whistleblower cases under this part is set forth above in the discussion of section 24.104.

This section also has been revised to eliminate the requirement under the ERA for the ALJ to issue a preliminary order of reinstatement separate from the findings. The section clarifies that when an ALJ's decision finds that the complaint has merit and orders relief, the order will be effective immediately upon its receipt by the respondent, except for that part of the order awarding compensatory damages. Congress intended that whistleblowers under the ERA be reinstated and provided additional interim relief based upon the ALJ's order even while the decision is on review with the ARB. The previous regulations have caused confusing delays to the complainant's right to immediate reinstatement. *See, e.g., McNeill* v. *Crane Nuclear, Inc.,* ARB Case No. 02–002, 2002 WL 31932543, at *1–*2 (Admin. Review Bd. Dec. 20, 2002). The Secretary intends that, by eliminating any requirement that the ALJ "shall also issue a preliminary order providing [all of the] relief" specified in the recommended order before an interim order becomes effective, confusion will be avoided and congressional intent to have complainants promptly reinstated based upon a meritorious ALJ decision will be better effectuated. *Id.* Furthermore, the ALJ's order will be effective immediately whether or not the ALJ designates the decision and/or order as recommended.

The substance of the rest of this section was formerly found in section 24.7. The requirement that the ALJ issue a decision within 20 days after the conclusion of the hearing has been eliminated because procedures for issuing decisions, including their timeliness, are addressed by the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges at 29 CFR 18.57.

GAP commented that the language in section 24.109(b) discussing the burdens of proof should be clarified. GAP commented that the regulation should be changed to state affirmatively with respect to the respondent's burden that "relief must be ordered unless" the respondent carries its burden of proof, rather than to state that "relief may not be ordered" if the respondent demonstrates by clear and convincing evidence under the ERA, or by preponderance of the evidence under the environmental statutes, that it would have taken the same action in the absence of protected activity. The language used in the regulation, however, accurately reflects the statutory language in section 211 of the ERA and, consistent with that language, the regulation retains language indicating that relief may not be ordered if the respondent proves by a preponderance of the evidence under the environmental statutes that it would have taken the same action in the absence of protected activity.

Section 24.110 Decision and Orders of the Administrative Review Board

The decision of the ALJ is the final decision of the Secretary if no timely petition for review is filed with the ARB. Upon the issuance of the ALJ's decision, the parties have 10 business days within which to petition the ARB for review of that decision, or it becomes the final decision of the Secretary and is not subject to judicial review. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing; if the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt. The appeal provisions in this part have been revised, consistent with the majority of OSHA's other whistleblower regulations, to provide that an appeal to the ARB is no longer a matter of right but is accepted at the discretion of the ARB. Congress intended these whistleblower actions to be expedited and this change may assist in furthering that goal. The parties should identify in their petitions for review the legal conclusions and orders to which exception is taken, or the exceptions will ordinarily be deemed waived. The ARB has 30 days to decide whether to grant the petition for review. If the ARB does not grant the petition, the decision of the ALJ becomes the final decision of the Secretary. The ERA, CAA, SDWA, and TSCA contain a 90-day timeframe for issuing final agency decisions. Notwithstanding this short timeframe, the Secretary believes that it is appropriate to give the ARB 30 days in which to decide whether to grant review; as stated above, the Secretary believes that in amending the ERA in August 2005, Congress recognized that

the Department appropriately could take up to one year to complete the investigatory and adjudicative processing of a whistleblower complaint under these statutes. If a timely petition for review is filed with the ARB, any relief ordered by the ALJ, except for that ordered under the ERA, is inoperative while the matter is pending before the ARB. The relief ordered by the ALJ under the ERA is effective immediately except for that portion awarding compensatory damages. This section further provides that, when the ARB accepts a petition for review, the ALJ's factual determinations will be reviewed under the substantial evidence standard.

This section also provides that in the exceptional case, the ARB may grant a motion to stay an ALJ's order of relief under the ERA, which otherwise will be effective while review is conducted by the ARB. The Secretary believes that a stay of an ALJ's order of relief under the ERA only would be appropriate where the respondent can establish the necessary criteria for equitable injunctive relief, *i.e.,* irreparable injury, likelihood of success on the merits, and a balancing of possible harms to the parties and the public favors a stay.

Comments on section 24.110 were received by NWC, William H. Ewing, Richard R. Renner, and Jason M. Zuckerman. NWC commented that the 10-day period for filing objections is too short and that parties should be given between 30 and 60 days to petition for review, depending on the level of specificity required in the petition. Ewing, Renner, and Zuckerman also commented that the time period for petitioning for review by the ARB was too short and suggested a 30-day period to petition for review. In addition, Ewing, Renner, and Zuckerman suggested that rather than provide that exceptions not raised in the petition for review ordinarily will be waived, the regulations should permit parties to supplement the reasons for seeking review when filing their opening briefs. They commented that to the extent that the ARB needs to determine whether there are issues meriting review, the regulations can require that a party file a petition that identifies good grounds for review, and permit the party to raise additional assignments of error in the brief.

OSHA believes that 10 business days, which also is the time frame under AIR21 (*see* 29 CFR 1979.110(a)) and under SOX (*see* 29 CFR 1980.110(a)), is sufficient time to petition for review of an ALJ decision, particularly in light of the fact that the rule uses the date of filing to determine timeliness rather than the date of the ARB's receipt of the petition. Furthermore, OSHA believes that to enable the ARB to determine whether to accept review, it is necessary that the petition for review identify the rulings to which the party seeking review takes exception. Nevertheless, it is not necessary that the petition identify each factual finding to which the party objects. Rather, it is sufficient that the petition generally identify the legal conclusions that are alleged to be erroneous. OSHA has amended these regulations accordingly.

NWC commented that these regulations should revert to the previous practice that required the ARB to review the entire record on appeal *de novo.* As indicated above, in providing that the ARB will review factual determinations under the substantial evidence standard, these regulations apply the standard of review that the ARB applies in reviewing ALJ decisions under the whistleblower provisions of AIR21, SOX, and PSIA. OSHA believes that, because the ARB is an appellate body, it is appropriate for the ARB to give special deference to the findings of the trier of fact. *See Henrich* v. *Ecolab, Inc.,* No 05–030, 2007 WL 1578490, at *4 (Admin. Review Bd. May 30, 2007) ("As we and our predecessors often have noted, the Board is an appellate body. We review ALJ decisions for error; we do not simply sit as a second-tier fact-finder."). Accordingly, no change to the standard of review is necessary.

Finally, OSHA is changing the regulation at section 24.110(b) to correct the inadvertently erroneous statement that when the ARB denies a petition for review of an ALJ's decision, judicial review is not available. Although no comments were received regarding this error, OSHA is amending the rule to clarify that judicial review is available in cases where the ARB denies review of an ALJ decision for which appropriate review was sought.

Subpart C—Miscellaneous Provisions

Section 24.111 Withdrawal of Complaints, Objections, and Petitions for Review; Settlement

This section provides for procedures and time periods for withdrawal of complaints, the withdrawal of findings by the Assistant Secretary, and the withdrawal of objections to findings. It also provides for approval of settlements at the investigative and adjudicative stages of the case. The regulations reflect that settlement agreements under the statutory provisions of the ERA, CAA, SDWA, and TSCA must be reviewed and approved by the Secretary to ensure that they are just and reasonable and in the public interest. *See Beliveau* v. *United States Dep't of Labor,* 170 F.3d 83, 86 (1st Cir. 1999); *Macktal* v. *Secretary of Labor,* 923 F.2d 1150, 1154 (5th Cir. 1991). Although it has been OSHA's practice to review settlements for approval under all the environmental whistleblower statutes, it is required by statute only under the ones noted above. *See Bertacchi* v. *City of Columbus—Division of Sewerage & Drainage,* ARB Case No. 05–155 (April 13, 2006). Notwithstanding this statutory distinction, the Department encourages the parties to submit all settlements for review and approval, even those arising under the CERCLA, SWDA, and FWPCA. We note that a settlement that has not been reviewed and approved by the Secretary will not be considered a final order enforceable under section 24.113.

One comment was received regarding section 24.111. NWC commented that the section should be dropped and that the former practice of liberally permitting employees to withdraw claims, without prejudice, should be continued, especially under the six environmental acts, in which employees are required to file claims within 30 days. NWC commented that any restriction on the right to freely withdraw claims without prejudice will chill an employee's willingness to file a claim and punish employees who simply needed to protect their procedural rights. OSHA does not believe that section 24.111 hinders a complainant's ability to withdraw his or her complaint prior to the filing of objections to the Assistant Secretary's findings and/or order. However, when OSHA is aware that a withdrawal is requested after a settlement has been reached between the complainant and the respondent, the Assistant Secretary's approval is necessary to ensure that the settlement is just, reasonable, and in the public interest. This policy, which is required by statute in most instances, recognizes that:

> The Department of Labor does not simply provide a forum for private parties to litigate their private employment discrimination suits. Protected whistleblowing under the ERA may expose not just private harms but health and safety hazards to the public. The Secretary represents the public interest by assuring that settlements adequately protect whistleblowers.

Beliveau, 170 F.3d at 88 (quoting *Hoffman* v. *Fuel Econ. Contracting,* 97–ERA–33 (Sec'y Order Denying Request to Reconsider, Aug. 4, 1989); *see also Thompson* v. *U. S. Dep't of Labor,* 885 F.2d 551, 556 (9th Cir. 1989) (Secretary must approve all settlement agreements under the ERA).

Significant revisions are being made to paragraph (c), which addresses situations in which parties seek to withdraw either objections to the Assistant Secretary's findings and/or preliminary order or petitions for review of ALJ decisions. Paragraph (c) provides that a party may withdraw its objections to the Assistant Secretary's findings and/or preliminary order at any time before the findings and preliminary order become final by filing a written withdrawal with the ALJ. Similarly, if a case is on review with the ARB, a party may withdraw its petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB. The ALJ or the ARB, depending on where the case is pending, will determine whether to approve the withdrawal of the objections or the petition for review. Paragraph (c) clarifies that if the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or preliminary order, and there are no other pending objections, the Assistant Secretary's findings and preliminary order will become the final order of the Secretary. Likewise, if the ARB approves a request to withdraw a petition for review of an ALJ decision, and there are no other pending petitions for review of that decision, the ALJ's decision will become the final order of the Secretary. Finally, paragraph (c) provides that if objections or a petition for review are withdrawn because of settlement, the settlement must be submitted for approval in accordance with paragraph (d).

Section 24.112 Judicial Review

This section describes the statutory provisions for judicial review of decisions of the Secretary and requires, in cases where judicial review is sought, the ARB to submit the record of proceedings to the appropriate court pursuant to the Federal Rules of Appellate Procedure and the local rules of such court. Paragraph (d) reflects that original jurisdiction for judicial review of a decision issued under the Comprehensive Environmental Response, Compensation and Liability Act is with the district courts rather than the appellate courts. *See* 42 U.S.C. 9610(b) and 9613(b). The paragraph also reflects, however, that when an agency decision is based on other statutes that provide for direct review in the court of appeals, principles of judicial economy and consistency justify review of the entire proceeding in the court of appeals. *See Ruud* v. *U. S. Dep't of Labor,* 347 F.3d 1086, 1090 (9th Cir. 2003) ("[T]he court of appeals should entertain a petition to review an agency decision made pursuant to the agency's authority under two or more statutes, at least one of which provides for direct review in the court of appeals, where the petition involves a common factual background and raises a common legal question. Consolidated review of such a petition avoids inconsistency and conflicts between the district and appellate courts while ensuring the timely and efficient resolution of administrative cases."); *see also Shell Oil Co.* v. *F.E.R.C.,* 47 F.3d 1186, 1195 (DC Cir. 1995) ("[W]hen an agency decision has two distinct bases, one of which provides for exclusive jurisdiction in the court of appeals, the entire decision is reviewable exclusively in the appellate court.") (citations and internal question marks omitted). No comments were received on this section.

Section 24.113 Judicial Enforcement

This section describes the Secretary's power under several of the statutes listed in section 24.100(a) to obtain judicial enforcement of orders and the terms of a settlement agreement. It also provides for enforcement of orders of the Secretary by the person on whose behalf the order was issued under the ERA and the CAA. No comments were received on this section.

Section 24.114 District Court Jurisdiction of Retaliation Complaints Under the Energy Reorganization Act

This section sets forth the ERA provision allowing complainants to bring an action in district court for *de novo* review if there has been no final decision of the Secretary within one year of the filing of the complaint and there is no delay due to the complainant's bad faith. It provides that complainants will give notice 15 days in advance of their intent to file a complaint in district court. This provision authorizing a Federal court complaint is similar to those under the whistleblower provisions of SOX, STAA, the National Transit Systems Security Act of 2007, and the Federal Railroad Safety Act. In the interim final rule, the Secretary noted that this statutory scheme created the possibility that a complainant would file a complaint in district court after having litigated a claim before the agency and having received a decision from an ALJ or the ARB. The Secretary believed that it would be a waste of the resources of the parties, the Department, and the courts for complainants to pursue duplicative litigation. Accordingly, the Secretary suggested that the Federal courts might apply principles of issue or claim preclusion if a complainant brought a new action in Federal court following extensive litigation before the Department that resulted in a decision by an ALJ or the ARB. The Secretary also stated that where an administrative hearing had been completed and a matter was pending before an ALJ or the ARB for a decision, a Federal court also might treat a complaint as a petition for mandamus and order the Department to issue a decision under appropriate time frames.

Two comments were received regarding section 24.114. NWC commented that because the rules concerning issue and claim preclusion only apply to an agency's final order and an ALJ's decision is not a final order, the Department should not advise Federal courts or parties that res judicata and/or collateral estoppel principles may apply. NWC further commented that because once an employee exhausts his or her administrative remedies, the Department cannot legally implement a rule restricting an employee's right to file in Federal court, it should not urge a Federal court to remand a case back to the Department. NWC suggested that a potential waste of resources is not at issue because the discovery and hearing testimony obtained during an administrative proceeding may be used in the Federal court proceeding.

In response to these comments, OSHA has reconsidered the statements made in the interim final rule. OSHA recognizes that there is no statutory basis for including preclusion principles in these regulations, and that the ERA does not delegate authority to the Secretary to regulate litigation in the Federal district courts. *See Adams Fruit Co., Inc.* v. *Barrett,* 494 U.S. 638, 649–50 (1990). Accordingly, the language in the preamble addressing issue preclusion principles and mandamus has been removed.

Also on further consideration, the Secretary does not believe that it is reasonable to construe the statute to permit a complainant to initiate an action in Federal court *after* the Secretary issues a final decision, even if the date of the final decision is more than one year after the filing of the complaint. In the Secretary's view, the purpose of the "kick out" provision is to aid the complainant in receiving a prompt decision. That goal is not implicated in a situation where the complainant already has received a final decision from the Secretary. In addition, permitting the complainant to file a new case in district court in such circumstances could conflict with the parties' rights to seek judicial review of the Secretary's final decision in the courts of appeals. The regulation has

been reworded in accordance with this position.

Finally, GAP commented that OSHA's requirement under section 24.114(b) that a complainant file a notice with the agency of his or her intention to seek relief in district court within 15 days of filing his or her *de novo* action in district court goes beyond the ERA's requirements.

Although the 15-day notice provision is not required by statute, OSHA believes that this notice provision falls within the scope of these procedural rules.

Section 24.115 Special Circumstances; Waiver of Rules

This section provides that in circumstances not contemplated by these rules or for good cause the ALJ or the ARB may, upon application and notice to the parties, waive any rule as justice or the administration of the statutes listed in section 24.100(a) requires. No comments were received on this section.

Appendix A—Your Rights Under the ERA

The notice that employers are required to post under Section 211(i) of the ERA has been revised to reflect the 2005 amendments. Specifically, the notice now reflects that the definition of "employer" has been expanded and that the employee has a right to file a complaint in district court if the Secretary has not issued a final decision within one year of the filing of the complaint and the delay is not due to the bad faith of the employee. As noted above, we also have substituted the term "retaliation" for "discrimination." The notice has also been revised to clarify that a complaint may be filed orally or in writing and that if a complainant is not able to file the complaint in English, the complaint may be filed in any language.

One comment was received regarding Appendix A. GAP commented that the notice should be clarified to state that an employee is protected for raising concerns about a suspected violation of regulations or orders issued by the NRC or DOE. OSHA does not believe that changes to this notice are required because the protected activity listed on the notice applies the language used in the statute. Nevertheless, OSHA notes that the Secretary has held that the reporting of possible violations of NRC regulations is protected activity under the ERA. *See McDonald* v. *University of Missouri,* No. 90–ERA–59, 1995 WL 848132, *5 (DOL Off. of Adm. App. Mar. 21, 1995). A similar analysis suggests that the reporting of possible violations of relevant DOE regulations also is protected activity under the ERA. GAP further commented that in the section describing prohibited activity, the use of the word "retaliate" should be replaced with "discriminate" to make the language of the notice consistent with the statutory language. For the reasons discussed above in response to comments to section 24.102, OSHA does not believe that it is necessary or advisable to replace the word "retaliate" in the required notice with the word "discriminate."

IV. Paperwork Reduction Act

This rule contains a reporting provision (filing a retaliation complaint, section 24.103) which was previously reviewed and approved for use by the Office of Management and Budget ("OMB") and assigned OMB control number 1218–0236 under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

V. Administrative Procedure Act

The notice and comment rulemaking procedures of Section 553 of the Administrative Procedure Act ("APA") do not apply to "interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice." 5 U.S.C. 553(b)(A). This is a rule of agency procedure and practice within the meaning of that section. Therefore, publication in the **Federal Register** of a notice of proposed rulemaking and request for comments was not required. Although this rule was not subject to the notice and comment procedures of the APA, the Assistant Secretary sought and considered comments to enable the agency to improve the rules by taking into account the concerns of interested persons.

Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule be effective 30 days after publication in the **Federal Register** is inapplicable. The Assistant Secretary also finds good cause to provide an immediate effective date for this rule. It is in the public interest that the rule be effective immediately so that parties may know what procedures are applicable to pending cases.

VI. Executive Order 12866; Unfunded Mandates Reform Act of 1995; Small Business Regulatory Enforcement Fairness Act of 1996; Executive Order 13132

The Department has concluded that this rule is not a "significant regulatory action" within the meaning of Executive Order 12866 because it is not likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Therefore, no regulatory impact analysis has been prepared.

Because this rulemaking is procedural in nature it is not expected to have a significant economic impact; therefore no statement is required under Section 202 of the Unfunded Mandates Reform Act of 1995. Furthermore, because this is a rule of agency procedure or practice, it is not a "rule" within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 804(3)(C)) and does not require congressional review. Finally, this rule does not have "federalism implications." The rule does 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" and therefore is not subject to Executive Order 13132 (Federalism).

VII. Regulatory Flexibility Analysis

The Department has determined that the regulation will not have a significant economic impact on a substantial number of small entities. The regulation primarily implements procedures necessitated by statutory amendments enacted by Congress. Additionally, the regulatory revisions are necessary for the sake of consistency with the regulatory provisions governing procedures under the other whistleblower statutes administered by the Secretary. Furthermore, no certification to this effect is required and no regulatory flexibility analysis is required because no proposed rule has been issued.

Document Preparation. This document was prepared under the direction of the Assistant Secretary, Occupational Safety and Health Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 24

Administrative practice and procedure, Employment, Environmental protection, Investigations, Reporting and recordkeeping requirements, Whistleblowing.

Signed in Washington, DC on January 7, 2011.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, for the reasons set out in the preamble, part 24 of title 29 of the Code of Federal Regulations is revised to read as follows:

PART 24—PROCEDURES FOR THE HANDLING OF RETALIATION COMPLAINTS UNDER THE EMPLOYEE PROTECTION PROVISIONS OF SIX ENVIRONMENTAL STATUTES AND SECTION 211 OF THE ENERGY REORGANIZATION ACT OF 1974, AS AMENDED

Subpart A—Complaints, Investigations, Issuance of Findings

Sec.
24.100 Purpose and scope.
24.101 Definitions.
24.102 Obligations and prohibited acts.
24.103 Filing of retaliation complaint.
24.104 Investigation.
24.105 Issuance of findings and orders.

Subpart B—Litigation

24.106 Objections to the findings and order and request for a hearing.
24.107 Hearings.
24.108 Role of Federal agencies.
24.109 Decision and orders of the administrative law judge.
24.110 Decision and orders of the Administrative Review Board.

Subpart C—Miscellaneous Provisions

24.111 Withdrawal of complaints, objections, and findings; settlement.
24.112 Judicial review.
24.113 Judicial enforcement.
24.114 District court jurisdiction of retaliation complaints under the Energy Reorganization Act.
24.115 Special circumstances; waiver of rules.
Appendix A to Part 24—Your Rights Under the Energy Reorganization Act

Authority: 15 U.S.C. 2622; 33 U.S.C. 1367; 42 U.S.C. 300j–9(i)BVG, 5851, 6971, 7622, 9610; Secretary of Labor's Order No. 5–2007, 72 FR 31160 (June 5, 2007); Secretary of Labor's Order No. 1–2010 (Jan. 15, 2010), 75 FR 3924–01 (Jan. 25, 2010).

Subpart A—Complaints, Investigations, Issuance of Findings

§ 24.100 Purpose and scope.

(a) This part implements procedures under the employee protection (or "whistleblower") provisions for which the Secretary of Labor has been given responsibility pursuant to the following Federal statutes: Safe Drinking Water Act, 42 U.S.C. 300j–9(i); Federal Water Pollution Control Act, 33 U.S.C. 1367; Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42 U.S.C. 5851; and Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610.

(b) This part establishes procedures pursuant to the Federal statutory provisions listed in paragraph (a) of this section for the expeditious handling of retaliation complaints made by employees, or by persons acting on their behalf. These rules, together with those rules codified at 29 CFR part 18, set forth the procedures for submission of complaints under the Federal statutory provisions listed in paragraph (a) of this section, investigations, issuance of findings, objections to findings, litigation before administrative law judges ("ALJ"), issuance of decisions and orders, post-hearing administrative review, and withdrawals and settlements.

§ 24.101 Definitions.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health or the person or persons to whom he or she delegates authority under any of the statutes listed in § 24.100(a).

Business days means days other than Saturdays, Sundays, and Federal holidays.

Complainant means the employee who filed a complaint under any of the statutes listed in § 24.100(a) or on whose behalf a complaint was filed.

OSHA means the Occupational Safety and Health Administration of the United States Department of Labor.

Respondent means the employer named in the complaint, who is alleged to have violated any of the statutes listed in § 24.100(a).

Secretary means the Secretary of Labor or persons to whom authority under any of the statutes listed in § 24.100(a) has been delegated.

§ 24.102 Obligations and prohibited acts.

(a) No employer subject to the provisions of any of the statutes listed in § 24.100(a), or to the Atomic Energy Act of 1954 (AEA), 42 U.S.C. 2011 *et seq.,* may discharge or otherwise retaliate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee, or any person acting pursuant to the employee's request, engaged in any of the activities specified in this section.

(b) It is a violation for any employer to intimidate, threaten, restrain, coerce, blacklist, discharge, discipline, or in any other manner retaliate against any employee because the employee has:

(1) Commenced or caused to be commenced, or is about to commence or cause to be commenced, a proceeding under one of the statutes listed in § 24.100(a) or a proceeding for the administration or enforcement of any requirement imposed under such statute;

(2) Testified or is about to testify in any such proceeding; or

(3) Assisted or participated, or is about to assist or participate, in any manner in such a proceeding or in any other action to carry out the purposes of such statute.

(c) Under the Energy Reorganization Act, and by interpretation of the Secretary under any of the other statutes listed in § 24.100(a), it is a violation for any employer to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner retaliate against any employee because the employee has:

(1) Notified the employer of an alleged violation of such statute or the AEA of 1954;

(2) Refused to engage in any practice made unlawful by such statute or the AEA of 1954, if the employee has identified the alleged illegality to the employer; or

(3) Testified or is about to testify before Congress or at any Federal or State proceeding regarding any provision (or proposed provision) of such statute or the AEA of 1954.

(d)(1) Every employer subject to the Energy Reorganization Act of 1974, as amended, shall prominently post and keep posted in any place of employment to which the whistleblower provisions of the Act apply, a fully legible copy of the notice prepared by OSHA, printed as appendix A to this part, or a notice approved by the Assistant Secretary that contains substantially the same provisions and explains the whistleblower provisions of the Act and the regulations in this part. Copies of the notice prepared by OSHA may be obtained from the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210, from local OSHA offices, or from OSHA's Web site at *http://www.osha.gov.*

(2) Where the notice required by paragraph (d)(1) of this section has not been posted, the requirement in § 24.103(d)(2) that a complaint be filed with the Assistant Secretary within 180

days of an alleged violation will be inoperative, unless the respondent establishes that the complainant had knowledge of the material provisions of the notice. If it is established that the notice was posted at the employee's place of employment after the alleged retaliatory action occurred or that the complainant later obtained knowledge of the provisions of the notice, the 180 days will ordinarily run from whichever of those dates is relevant.

(e) This part shall have no application to any employee who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of any of the statutes listed in § 24.100(a) or the AEA of 1954.

§ 24.103 Filing of retaliation complaint.

(a) *Who may file.* An employee who believes that he or she has been retaliated against by an employer in violation of any of the statutes listed in § 24.100(a) may file, or have filed by any person on the employee's behalf, a complaint alleging such retaliation.

(b) *Nature of Filing.* No particular form of complaint is required. A complaint may be filed orally or in writing. Oral complaints will be reduced to writing by OSHA. If a complainant is not able to file the complaint in English, the complaint may be filed in any language.

(c) *Place of Filing.* The complaint should be filed with the OSHA Area Director responsible for enforcement activities in the geographical area where the employee resides or was employed, but may be filed with any OSHA officer or employee. Addresses and telephone numbers for these officials are set forth in local directories and at the following Internet address: *http://www.osha.gov.*

(d) *Time for Filing.* (1) Except as provided in paragraph (d)(2) of this section, within 30 days after an alleged violation of any of the statutes listed in § 24.100(a) occurs (*i.e.,* when the retaliatory decision has been both made and communicated to the complainant), an employee who believes that he or she has been retaliated against in violation of any of the statutes listed in § 24.100(a) may file, or have filed by any person on the employee's behalf, a complaint alleging such retaliation. The date of the postmark, facsimile transmittal, e-mail communication, telephone call, hand-delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office will be considered the date of filing. The time for filing a complaint may be tolled for reasons warranted by applicable case law.

(2) Under the Energy Reorganization Act, within 180 days after an alleged violation of the Act occurs (*i.e.,* when the retaliatory decision has been both made and communicated to the complainant), an employee who believes that he or she has been retaliated against in violation of the Act may file, or have filed by any person on the employee's behalf, a complaint alleging such retaliation. The date of the postmark, facsimile transmittal, e-mail communication, telephone call, hand-delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office will be considered the date of filing. The time for filing a complaint may be tolled for reasons warranted by applicable case law.

(e) *Relationship to Section 11(c) complaints.* A complaint filed under any of the statutes listed in § 24.100(a) alleging facts that would also constitute a violation of Section 11(c) of the Occupational Safety and Health Act, 29 U.S.C. 660(c), will be deemed to be a complaint under both Section 11(c) and the applicable statutes listed in § 24.100(a). Similarly, a complaint filed under Section 11(c) that alleges facts that would also constitute a violation of any of the statutes listed in § 24.100(a) will be deemed to be a complaint under both section 11(c) and the applicable statutes listed in § 24.100(a). Normal procedures and timeliness requirements under the respective statutes and regulations will be followed.

§ 24.104 Investigation.

(a) Upon receipt of a complaint in the investigating office, the Assistant Secretary will notify the respondent of the filing of the complaint by providing the respondent (or the respondent's legal counsel if respondent is represented by counsel) with a copy of the complaint, redacted, if necessary, in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, *et seq.,* and other applicable confidentiality laws. The Assistant Secretary will provide a copy of the unredacted complaint to the complainant (or complainant's legal counsel, if complainant is represented) and to the appropriate office of the Federal agency charged with the administration of the general provisions of the statute(s) under which the complaint is filed.

(b) Within 20 days of receipt of the notice of the filing of the complaint provided under paragraph (a) of this section, the respondent may submit to the Assistant Secretary a written statement and any affidavits or documents substantiating its position. Within the same 20 days, the respondent may request a meeting with the Assistant Secretary to present its position.

(c) Throughout the investigation, the agency will provide to the complainant (or the complainant's legal counsel if complainant is represented by counsel) a copy of all of respondent's submissions to the agency that are responsive to the complainant's whistleblower complaint. Before providing such materials to the complainant, the agency will redact them, if necessary, in accordance with the Privacy Act of 1974, 5 U.S.C. 552a, *et seq.,* and other applicable confidentiality laws.

(d) Investigations will be conducted in a manner that protects the confidentiality of any person who provides information on a confidential basis, other than the complainant, in accordance with part 70 of title 29 of the Code of Federal Regulations.

(e) *Investigation under the six environmental statutes.* In addition to the investigative procedures set forth in §§ 24.104(a), (b), (c), and (d), this paragraph sets forth the procedures applicable to investigations under the Safe Drinking Water Act; Federal Water Pollution Control Act; Toxic Substances Control Act; Solid Waste Disposal Act; Clean Air Act; and Comprehensive Environmental Response, Compensation and Liability Act.

(1) A complaint of alleged violation will be dismissed unless the complainant has made a prima facie showing that protected activity was a motivating factor in the adverse action alleged in the complaint.

(2) The complaint, supplemented as appropriate by interviews of the complainant, must allege the existence of facts and evidence to make a prima facie showing as follows:

(i) The employee engaged in a protected activity;

(ii) The respondent knew or suspected that the employee engaged in the protected activity;

(iii) The employee suffered an adverse action; and

(iv) The circumstances were sufficient to raise the inference that the protected activity was a motivating factor in the adverse action.

(3) The complainant will be considered to have met the required showing if the complaint on its face, supplemented as appropriate through interviews of the complainant, alleges the existence of facts and either direct or circumstantial evidence sufficient to give rise to an inference that the respondent knew or suspected that the employee engaged in protected activity and that the protected activity was a motivating factor in the adverse action.

The required showing may be satisfied, for example, if the complainant shows that the adverse action took place shortly after the protected activity, giving rise to the inference that it was a motivating factor in the adverse action.

(4) The complaint will be dismissed if a preponderance of the evidence shows that the respondent would have taken the same adverse action in the absence of the complainant's protected activity.

(f) *Investigation under the Energy Reorganization Act.* In addition to the investigative procedures set forth in §§ 24.104(a), (b), (c), and (d), this paragraph sets forth special procedures applicable only to investigations under the Energy Reorganization Act.

(1) A complaint of alleged violation will be dismissed unless the complainant has made a prima facie showing that protected activity was a contributing factor in the adverse action alleged in the complaint.

(2) The complaint, supplemented as appropriate by interviews of the complainant, must allege the existence of facts and evidence to make a prima facie showing as follows:

(i) The employee engaged in a protected activity;

(ii) The respondent knew or suspected, actually or constructively, that the employee engaged in the protected activity;

(iii) The employee suffered an adverse action; and

(iv) The circumstances were sufficient to raise the inference that the protected activity was a contributing factor in the adverse action.

(3) For purposes of determining whether to investigate, the complainant will be considered to have met the required burden if the complaint on its face, supplemented as appropriate through interviews of the complainant, alleges the existence of facts and either direct or circumstantial evidence to meet the required showing, *i.e.,* to give rise to an inference that the respondent knew or suspected that the employee engaged in protected activity and that the protected activity was a contributing factor in the adverse action. The burden may be satisfied, for example, if the complainant shows that the adverse action took place shortly after the protected activity, giving rise to the inference that it was a contributing factor in the adverse action. If the required showing has not been made, the complainant (or the complainant's legal counsel if complainant is represented by counsel) will be so notified and the investigation will not commence.

(4) Notwithstanding a finding that a complainant has made a prima facie showing, as required by this section, an investigation of the complaint will not be conducted or will be discontinued if the respondent, pursuant to the procedures provided in this paragraph, demonstrates by clear and convincing evidence that it would have taken the same adverse action in the absence of the complainant's protected behavior or conduct.

(5) If the respondent fails to make a timely response or fails to demonstrate by clear and convincing evidence that it would have taken the same adverse action in the absence of the behavior protected by the Act, the Assistant Secretary will proceed with the investigation. The investigation will proceed whenever it is necessary or appropriate to confirm or verify the information provided by the respondent.

§ 24.105 Issuance of findings and orders.

(a) After considering all the relevant information collected during the investigation, the Assistant Secretary will issue, within 30 days of filing of the complaint, written findings as to whether or not there is reasonable cause to believe that the respondent has retaliated against the complainant in violation of any of the statutes listed in § 24.100(a).

(1) If the Assistant Secretary concludes that there is reasonable cause to believe that a violation has occurred, he or she shall accompany the findings with an order providing relief to the complainant. The order shall include, where appropriate, a requirement that the respondent abate the violation; reinstate the complainant to his or her former position, together with the compensation (including back pay), terms, conditions and privileges of the complainant's employment; pay compensatory damages; and, under the Toxic Substances Control Act and the Safe Drinking Water Act, pay exemplary damages, where appropriate. At the complainant's request the order shall also assess against the respondent the complainant's costs and expenses (including attorney's fees) reasonably incurred in connection with the filing of the complaint.

(2) If the Assistant Secretary concludes that a violation has not occurred, the Assistant Secretary will notify the parties of that finding.

(b) The findings and order will be sent by certified mail, return receipt requested, to all parties of record (and each party's legal counsel if the party is represented by counsel). The findings and order will inform the parties of their right to file objections and to request a hearing and provide the address of the Chief Administrative Law Judge. The Assistant Secretary will file a copy of the original complaint and a copy of the findings and order with the Chief Administrative Law Judge, U.S. Department of Labor.

(c) The findings and order will be effective 30 days after receipt by the respondent (or the respondent's legal counsel if the respondent is represented by counsel) or on the compliance date set forth in the order, whichever is later, unless an objection and/or a request for a hearing has been filed as provided at § 24.106.

Subpart B–Litigation

§ 24.106 Objections to the findings and order and request for a hearing.

(a) Any party who desires review, including judicial review, of the findings and order must file any objections and/or a request for a hearing on the record within 30 days of receipt of the findings and order pursuant to paragraph (b) of § 24.105. The objection and/or request for a hearing must be in writing and state whether the objection is to the findings and/or the order. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing; if the objection is filed in person, by hand-delivery or other means, the objection is filed upon receipt. Objections must be filed with the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street, NW., Washington, DC 20001, and copies of the objections must be mailed at the same time to the other parties of record, the OSHA official who issued the findings and order, the Assistant Secretary, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

(b) If a timely objection is filed, all provisions of the order will be stayed. If no timely objection is filed with respect to either the findings or the order, the findings and order will become the final decision of the Secretary, not subject to judicial review.

§ 24.107 Hearings.

(a) Except as provided in this part, proceedings will be conducted in accordance with the rules of practice and procedure and the rules of evidence for administrative hearings before the Office of Administrative Law Judges, codified at part 18 of title 29 of the Code of Federal Regulations.

(b) Upon receipt of an objection and request for hearing, the Chief Administrative Law Judge will promptly

assign the case to a judge who will notify the parties, by certified mail, of the day, time, and place of hearing. The hearing is to commence expeditiously, except upon a showing of good cause or otherwise agreed to by the parties. Hearings will be conducted *de novo,* on the record.

(c) If both the complainant and the respondent object to the findings and/or order, the objections will be consolidated, and a single hearing will be conducted.

§ 24.108 Role of Federal agencies.

(a)(1) The complainant and the respondent will be parties in every proceeding. At the Assistant Secretary's discretion, he or she may participate as a party or participate as amicus curiae at any time at any stage of the proceeding. This right to participate includes, but is not limited to, the right to petition for review of a decision of an administrative law judge, including a decision approving or rejecting a settlement agreement between the complainant and the respondent.

(2) Copies of documents in all cases, whether or not the Assistant Secretary is participating in the proceeding, must be sent to the Assistant Secretary, Occupational Safety and Health Administration, and to the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

(b) The Environmental Protection Agency, the Nuclear Regulatory Commission, and the Department of Energy, if interested in a proceeding, may participate as amicus curiae at any time in the proceedings, at the respective agency's discretion. At the request of the interested Federal agency, copies of all pleadings in a case must be sent to the Federal agency, whether or not the agency is participating in the proceeding.

§ 24.109 Decision and orders of the administrative law judge.

(a) The decision of the ALJ will contain appropriate findings, conclusions, and an order pertaining to the remedies provided in paragraph (c) of this section, as appropriate.

(b)(1) In cases arising under the ERA, a determination that a violation has occurred may only be made if the complainant has demonstrated by a preponderance of the evidence that the protected activity was a contributing factor in the adverse action alleged in the complaint. If the complainant has demonstrated by a preponderance of the evidence that the protected activity was a contributing factor in the adverse action alleged in the complaint, relief may not be ordered if the respondent demonstrates by clear and convincing evidence that it would have taken the same adverse action in the absence of any protected activity.

(2) In cases arising under the six environmental statutes listed in § 24.100(a), a determination that a violation has occurred may only be made if the complainant has demonstrated by a preponderance of the evidence that the protected activity caused or was a motivating factor in the adverse action alleged in the complaint. If the complainant has demonstrated by a preponderance of the evidence that the protected activity caused or was a motivating factor in the adverse action alleged in the complaint, relief may not be ordered if the respondent demonstrates by a preponderance of the evidence that it would have taken the same adverse action in the absence of the protected activity.

(c) Neither the Assistant Secretary's determination to dismiss a complaint without completing an investigation pursuant to § 24.104(e) nor the Assistant Secretary's determination to proceed with an investigation is subject to review by the ALJ, and a complaint may not be remanded for the completion of an investigation or for additional findings on the basis that a determination to dismiss was made in error. Rather, if there otherwise is jurisdiction, the ALJ will hear the case on the merits or dispose of the matter without a hearing if the facts and circumstances warrant.

(d)(1) If the ALJ concludes that the respondent has violated the law, the order shall direct the respondent to take appropriate affirmative action to abate the violation, including reinstatement of the complainant to that person's former position, together with the compensation (including back pay), terms, conditions, and privileges of that employment, and compensatory damages. In cases arising under the Safe Drinking Water Act or the Toxic Substances Control Act, exemplary damages may also be awarded when appropriate. At the request of the complainant, the ALJ shall assess against the respondent, all costs and expenses (including attorney fees) reasonably incurred.

(2) In cases brought under the Energy Reorganization Act, when an ALJ issues a decision that the complaint has merit and orders the relief prescribed in paragraph (d)(1) of this section, the relief ordered, with the exception of compensatory damages, shall be effective immediately upon receipt, whether or not a petition for review is filed with the ARB.

(3) If the ALJ determines that the respondent has not violated the law, an order will be issued denying the complaint.

(e) The decision will be served upon all parties to the proceeding, the Assistant Secretary, and the Associate Solicitor for Fair Labor Standards. Any ALJ's decision issued under any of the statutes listed in § 24.100(a) will be effective 10 business days after the date of the decision unless a timely petition for review has been filed with the ARB. An ALJ's order issued under the Energy Reorganization Act will be effective immediately upon receipt, except for that portion of the order awarding any compensatory damages.

§ 24.110 Decision and orders of the Administrative Review Board.

(a) Any party desiring to seek review, including judicial review, of a decision of the ALJ must file a written petition for review with the ARB, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210, which has been delegated the authority to act for the Secretary and issue final decisions under this part. The decision of the ALJ will become the final order of the Secretary unless, pursuant to this section, a timely petition for review is filed with the ARB and the ARB accepts the case for review. The parties should identify in their petitions for review the legal conclusions or orders to which they object, or the objections will ordinarily be deemed waived. A petition must be filed within 10 business days of the date of the decision of the ALJ. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing; if the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt. The petition must be served on all parties and on the Chief Administrative Law Judge at the time it is filed with the ARB. Copies of the petition for review and all briefs must be served on the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.

(b) If a timely petition for review is filed pursuant to paragraph (a) of this section, and the ARB, within 30 days of the filing of the petition, issues an order notifying the parties that the case has been accepted for review, the decision of the ALJ will be inoperative unless and until the ARB issues an order adopting the decision, except that an order by an ALJ issued under the Energy Reorganization Act, other than that portion of the order awarding

compensatory damages, will be effective while review is conducted by the ARB, unless the ARB grants a motion by the respondent to stay the order based on exceptional circumstances. The ARB will specify the terms under which any briefs are to be filed. The ARB will review the factual findings of the ALJ under the substantial evidence standard. If no timely petition for review is filed, or the ARB denies review, the decision of the ALJ will become the final order of the Secretary. If no timely petition for review is filed, the resulting final order is not subject to judicial review.

(c) The final decision of the ARB will be issued within 90 days of the filing of the complaint. The decision will be served upon all parties and the Chief Administrative Law Judge by mail. The final decision will also be served on the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, even if the Assistant Secretary is not a party.

(d) If the ARB concludes that the respondent has violated the law, the final order will order the respondent to take appropriate affirmative action to abate the violation, including reinstatement of the complainant to that person's former position, together with the compensation (including back pay), terms, conditions, and privileges of employment, and compensatory damages. In cases arising under the Safe Drinking Water Act or the Toxic Substances Control Act, exemplary damages may also be awarded when appropriate. At the request of the complainant, the ARB will assess against the respondent all costs and expenses (including attorney's fees) reasonably incurred.

(e) If the ARB determines that the respondent has not violated the law, an order will be issued denying the complaint.

Subpart C—Miscellaneous Provisions

§ 24.111 Withdrawal of complaints, objections, and petitions for review; settlement.

(a) At any time prior to the filing of objections to the findings and/or order, a complainant may withdraw his or her complaint under any of the statutes listed in § 24.100(a) by filing a written withdrawal with the Assistant Secretary. The Assistant Secretary will then determine whether to approve the withdrawal. The Assistant Secretary will notify the respondent of the approval of any withdrawal. If the complaint is withdrawn because of settlement under the Energy Reorganization Act, the Clean Air Act, the Safe Drinking Water Act, or the Toxic Substances Control Act, the settlement must be submitted for approval in accordance with paragraph (d) of this section. Parties to settlements under the Federal Water Pollution Control Act, the Solid Waste Disposal Act, and the Comprehensive Environmental Response, Compensation and Liability Act are encouraged to submit their settlements for approval. After the filing of objections to the Assistant Secretary's findings and/or order, a complainant may not withdraw his or her complaint.

(b) The Assistant Secretary may withdraw his or her findings and/or order, at any time before the expiration of the 30-day objection period described in § 24.106, provided that no objection has yet been filed, and substitute new findings and/or a new order. The date of the receipt of the substituted findings and/or order will begin a new 30-day objection period.

(c) At any time before the Assistant Secretary's findings or order become final, a party may withdraw its objections to the Assistant Secretary's findings or order by filing a written withdrawal with the ALJ. If a case is on review with the ARB, a party may withdraw its petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB. The ALJ or the ARB, as the case may be, will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings or order, and there are no other pending objections, the Assistant Secretary's findings and order will become the final order of the Secretary. If the ARB approves a request to withdraw a petition for review of an ALJ decision, and there are no other pending petitions for review of that decision, the ALJ's decision will become the final order of the Secretary. If the objections are withdrawn because of settlement under the Energy Reorganization Act, the Clean Air Act, the Safe Drinking Water Act, or the Toxic Substances Control Act, the settlement must be submitted for approval in accordance with paragraph (d) of this section.

(d)(1) *Investigative settlements under the Energy Reorganization Act, the Clean Air Act, the Safe Drinking Water Act, and the Toxic Substances Control Act.* At any time after the filing of a complaint, and before the findings and/or order are objected to or become a final order by operation of law, the case may be settled if the Assistant Secretary, the complainant and the respondent agree to a settlement. The Assistant Secretary's approval of a settlement reached by the respondent and the complainant demonstrates his or her consent and achieves the consent of all three parties.

(2) *Adjudicatory settlements under the Energy Reorganization Act, the Clean Air Act, the Safe Drinking Water Act, and the Toxic Substances Control Act.* At any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement must be filed with the administrative law judge or the ARB, as the case may be.

(e) Any settlement approved by the Assistant Secretary, the administrative law judge, or the ARB will constitute the final order of the Secretary and may be enforced pursuant to § 24.113.

§ 24.112 Judicial review.

(a) Except as provided under subsections (b), (c), and (d) of this section, within 60 days after the issuance by the ARB of a final order of the Secretary under § 24.110, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation. A final order of the ARB is not subject to judicial review in any criminal or other civil proceeding.

(b) Under the Federal Water Pollution Control Act, within 120 days after the issuance by the ARB of a final order of the Secretary under § 24.110, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

(c) Under the Solid Waste Disposal Act, within 90 days after the issuance by the ARB of a final order of the Secretary under § 24.110, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

(d) Under the Comprehensive Environmental Response, Compensation and Liability Act, after the issuance by

the ARB of a final order of the Secretary under § 24.110, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States district court in which the violation allegedly occurred. For purposes of judicial economy and consistency, when a final order of the Secretary issued by the ARB under the Comprehensive Environmental Response, Compensation and Liability Act also is issued under any other statute listed in § 24.100(a), the adversely affected or aggrieved person may file a petition for review of the entire order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation. The time for filing a petition for review of an order issued under the Comprehensive Environmental Response, Compensation and Liability Act and any other statute listed in § 24.100(a) is determined by the time period applicable under the other statute(s).

(e) If a timely petition for review is filed, the record of a case, including the record of proceedings before the administrative law judge, will be transmitted by the ARB to the appropriate court pursuant to the Federal Rules of Appellate Procedure and the local rules of the court.

§ 24.113 Judicial enforcement.

Whenever any person has failed to comply with an order by an ALJ issued under the Energy Reorganization Act, with the exception of any award of compensatory damages, or with a final order of the Secretary, including final orders approving settlement agreements as provided under § 24.111(d), the Secretary may file a civil action seeking enforcement of the order in the United States district court for the district in which the violation was found to have occurred. Whenever any person has failed to comply with an order by an ALJ issued under the Energy Reorganization Act, with the exception of any award of compensatory damages, or with a final order of the Secretary under either the Energy Reorganization Act or the Clean Air Act, the person on whose behalf the order was issued also may file a civil action seeking enforcement of the order in the United States district court for the district in which the violation was found to have occurred.

§ 24.114 District court jurisdiction of retaliation complaints under the Energy Reorganization Act.

(a) If there is no final order of the Secretary, one year has passed since the filing of a complaint under the Energy Reorganization Act, and there is no showing that there has been delay due to the bad faith of the complainant, the complainant may bring an action at law or equity for *de novo* review in the appropriate district court of the United States, which will have jurisdiction over such an action without regard to the amount in controversy.

(b) Fifteen days in advance of filing a complaint in Federal court, a complainant must file with the Assistant Secretary, the ALJ, or the ARB, depending upon where the proceeding is pending, a notice of his or her intention to file such complaint. The notice must be served on all parties to the proceeding. A copy of the notice must be served on the Regional Administrator, the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor. The complainant shall file and serve a copy of the district court complaint on the above as soon as possible after the district court complaint has been filed with the court.

§ 24.115 Special circumstances; waiver of rules.

In special circumstances not contemplated by the provisions of this part, or for good cause shown, the ALJ or the ARB on review may, upon application, after three days notice to all parties, waive any rule or issue any orders that justice or the administration of any of the statutes listed in § 24.100(a) requires.

Appendix A to Part 24—Your Rights Under the Energy Reorganization Act

BILLING CODE 4510–26–P

Your Rights under the Energy Reorganization Act

The Energy Reorganization Act (ERA), makes it illegal to discharge or otherwise retaliate against an employee because the employee or any person acting at an employee's request engages in protected activity.

Employers covered by the ERA are:

- The Nuclear Regulatory Commission (NRC)
- A contractor or subcontractor of the NRC
- A licensee of the NRC or an agreement state, and the licensee's contractors and subcontractors
- An applicant for a license, and the applicant's contractors and subcontractors
- The Department of Energy (DOE)
- A contractor or subcontractor of the DOE under the Atomic Energy Act (AEA)

You are engaged in protected activity when you:

- Notify your employer of an alleged violation of the ERA or the AEA
- Refuse to engage in any practice made unlawful by the ERA or the AEA
- Testify before congress or at any federal or state proceeding regarding any provision or proposed provision of the ERA or the AEA
- Commence or cause to be commenced a proceeding under the ERA, or a proceeding for the administration or enforcement of any requirement imposed under the ERA
- Testify or are about to testify in any such proceeding
- Assist or participate in such a proceeding or in any other action to carry out the purposes of the ERA or the AEA

Employers may not retaliate against you for engaging in protected activity by:

- Intimidating
- Threatening
- Restraining
- Coercing
- Blacklisting
- Firing
- or in any other manner retaliating against you

Filing a complaint: You may file a complaint ***within 180 days*** of the retaliatory action. A complaint ***may be filed orally or in writing.*** If you are not able to file the complaint in English, OSHA will accept the complaint in any language. The date of the postmark, facsimile transmittal, e-mail communication, telephone call, hand-delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office will be considered the date of filing. The complaint may be filed at or sent to the nearest local office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, or the Office of the Assistant Secretary, OSHA, U.S. Department of Labor, Washington, D.C. 20210.

If DOL has not issued a final decision within one year of the filing of the complaint, you have the right to file the complaint in district court for *de novo* review, so long as the delay is not due to your bad faith.

For additional information: Contact OSHA (listed in telephone directories), or see the agency's web site at: www.whistleblowers.gov.

Employers are required to display this poster where employees can readily see it.

[FR Doc. 2011–828 Filed 1–14–11; 8:45 am]

BILLING CODE 4510–26–C

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2011–0003]

RIN 1625–AA11

Regulated Navigation Area; Reporting Requirements for Barges Loaded With Certain Dangerous Cargoes, Illinois Waterway System Located Within the Ninth Coast Guard District; Stay (Suspension)

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Commander, Ninth Coast Guard District is temporarily staying (suspending) reporting requirements under the Regulated Navigation Area (RNA) established by 33 CFR 165.921 for barges loaded with certain dangerous cargoes (CDC barges) in that portion of the Illinois Waterway System located in the Ninth Coast Guard District. During this suspension, the Coast Guard will analyze future reporting needs and evaluate possible changes in CDC reporting requirements. A final rule will either lift the suspension and restore the obligation of the affected public to comply with the existing reporting requirements, modify those requirements, or repeal the RNA. This suspension of the CDC reporting requirements in no way relieves towing vessel operators and fleeting area managers responsible for CDC barges in the RNA from their dangerous cargo or vessel arrival and movement reporting obligations currently in effect under other regulations or placed into effect under appropriate Coast Guard authority.

DATES: Effective midnight January 15, 2011, 33 CFR 165.921(d)–(h) are stayed until midnight January 15, 2013.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2011–0003 and are available online by going to *http://www.regulations.gov,* inserting USCG–2011–0003 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions about this temporary rule, call or e-mail LCDR Ted Fowles, Coast Guard; telephone 216–902–6010, e-mail: *Ted.R.Fowles@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable, unnecessary, and contrary to the public interest. The contract for the current CDC barge reporting system at the Inland River Vessel Movement Center (IRVMC) was extended to January 2011. In late December 2010 it was determined that the IRVMC reporting requirements would be suspended for a two-year period beginning at midnight January 15, 2011. As of January 16, 2011, the Coast Guard will have no way to receive and process reports. The short time span between late December and January 15 makes it impracticable to issue a notice of proposed rulemaking (NPRM) about suspension of the reporting requirements of 33 CFR 165.921 or to take public comments on the same. We believe prior notice and comment is unnecessary because we expect the affected public will have no objection to the temporary suspension of regulatory requirements. Prior notice and comment is also contrary to the public interest because there is no public purpose served by continuing to require reports when there is no mechanism for receiving or processing those reports.

Under 5 U.S.C. 553(d)(1), a substantive rule that relieves a restriction may be made effective less than 30 days after publication. This temporary final rule, suspending the reporting requirements and thereby relieving the regulatory restriction on towing vessel operators and fleeting area managers provided by 33 CFR 165.921, takes effect at midnight on January 15, 2011, less than 30 days after publication.

Background and Purpose

The legal basis for this rulemaking is the Coast Guard's authority to establish regulated navigation areas, under 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1. An RNA is a water area within a defined boundary for which regulations for vessels navigating within the area have been established, to control vessel traffic in a place determined to have hazardous conditions. 33 CFR 165.10; Commandant Instruction Manual M16704.3A, 1–6.

The purpose of this temporary final rule is to suspend the reporting requirements for CDC barges imposed by the RNA created in 33 CFR 165.921. This temporary rule relieves the towing vessel operators and fleeting area managers responsible for CDC barges from the reporting requirements for a two-year period.

Discussion of Rule

During the suspension of reporting requirements, towing vessel operators and fleeting area managers responsible for CDC barges will be relieved of their obligation to report their CDCs under 33 CFR 165.921(d)–(h). This suspension in no way relieves towing vessel operators and fleeting area managers responsible for CDC barges from their dangerous cargo or vessel arrival and movement reporting obligations currently in effect under other regulations or placed into effect under appropriate Coast Guard authority.

Regulatory Analyses

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

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This rule is temporary and limited in nature by suspending CDC barge reporting requirements during a two-year period, creating no undue delay to vessel traffic in the regulated area.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some which may be small entities: owners or operators of CDC barges intending to transit that portion of the Illinois Waterway System located in the Ninth Coast Guard District during this two-year period. This rule will not have a significant economic impact on those entities or a substantial number of any small entities for the following reason. This rule suspends reporting requirements for two years.

Assistance for Small Entities

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

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

This temporary rule suspends the reporting requirements established for CDC barges transiting that portion of the Illinois Waterway System located in the Ninth Coast Guard District. Under figure 2–1, paragraph (34)(g), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Amend 33 CFR 165.921 by staying paragraphs (d)–(h) from midnight January 15, 2011 to midnight January 15, 2013.

Dated: January 7, 2011.

Michael N. Parks,

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

[FR Doc. 2011–852 Filed 1–14–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–1138]

Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of Enforcement of Regulation.

SUMMARY: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 daily from 7 a.m. through 11 a.m. and from 1 p.m. to 5 p.m. on January 18–22, 2011; January 24–26, 2011; January 31, 2011; February 1–5, 2011; February 7–12, 2011; and on February 14–19, 2011. This enforcement action will also occur from 7 a.m. on January 27, 2011 through 7 a.m. on January 29, 2011. This action is necessary to protect the waterways, waterway users, and vessels from hazards associated with the U.S. Army Corps of Engineers' operational and safety testing of the dispersal barrier IIB, which helps control the spread of aquatic nuisance species that have the potential of devastating the waters of the Great Lakes.

During the enforcement period, entry into, transiting, mooring, laying-up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

DATES: The regulations in 33 CFR 165.T09.0166 will be enforced from 7 a.m. on January 18, 2011 through 5 p.m. on February 19, 2011.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or e-mail CDR Tim Cummins, Deputy Prevention Division, Ninth Coast Guard District, telephone 216–902–6045, e-mail address *Timothy.M.Cummins@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a segment of the Safety Zone; Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR § 165.T09–0166, on all waters of the Chicago Sanitary and Ship Canal from Mile Marker 296.1 to Mile Marker 296.7 daily from 7 a.m. to 11 a.m. and from 1 p.m. to 5 p.m. on January 18–22, 2011; January 24–26, 2011; January 31, 2011; February 1–5, 2011; February 7–12, 2011; and on February 14–19, 2011. This enforcement action will also occur from 7 a.m. on January 27, 2011 until 7 a.m. on January 29, 2011.

This enforcement action is necessary because the Captain of the Port, Sector Lake Michigan has determined that the U.S. Army Corps of Engineers' dispersal barrier IIB operational testing poses risks to life and property. The combination of vessel traffic and electric current in the water makes the controlling of vessels through the impacted portion of the Chicago Sanitary and Ship Canal necessary to prevent injury and property loss.

In accordance with the general regulations in § 165.23 of this part, entry into, transiting, mooring, laying up or anchoring within the enforced area of this safety zone by any person or vessel is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative.

This notice is issued under authority of 33 CFR 165.T09–0166 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Captain of the Port, Sector Lake Michigan, will also provide notice through other means, which may include, but are not limited to, Broadcast Notice to Mariners, Local Notice to Mariners, local news media, distribution in leaflet form, and on-scene oral notice. Additionally, the Captain of the Port, Sector Lake Michigan, may notify representatives from the maritime industry through telephonic and e-mail notifications.

Dated: December 29, 2010.

S.R. Schenk,

Commander, U.S. Coast Guard, Captain of the Port, Sector Lake Michigan, Acting.

[FR Doc. 2011–851 Filed 1–14–11; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2010–0881; FRL–9251–9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of 8-hour Ozone Standard and Related Reference Conditions, and Update of Appendices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Commonwealth of Virginia State Implementation Plan (SIP). The revision adds the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.075 parts per million (ppm) and related reference conditions and updates the list of appendices under "Documents Incorporated by Reference." Virginia's SIP revision for the NAAQS for ozone is consistent with the 8-hour Federal standard. This action is being taken under the Clean Air Act (CAA).

DATES: This rule is effective on March 21, 2011 without further notice, unless EPA receives adverse written comment by February 17, 2011. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2010–0881 by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail: powers.marilyn@epa.gov.*

C. *Mail:* EPA–R03–OAR–2010–0881, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency,

Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2010–0881. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by e-mail at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2010, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision amends the existing SIP to add the 2008 8-hour ozone NAAQS and related reference conditions.

The Clean Air Act (CAA) specifies that EPA must reevaluate the appropriateness of each of the NAAQS every five years. As part of the process, EPA reviewed the latest health-based research and determined that a revised NAAQS for ozone was necessary to protect public health. EPA revised the 8-hour standard to a level of 0.075 parts per million (ppm) to provide increased protection for children and other "at risk" populations against an array of ozone-related adverse health effects. EPA promulgated this more stringent NAAQS for ozone on March 27, 2008 (73 FR 16436).

II. Summary of SIP Revision

On September 27, 2010, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision consists of an amendment which includes the revised ambient air quality standard for ozone, and related reference conditions. Virginia's revision incorporates the Federal 8-hour ozone NAAQS into the Code of Virginia (9VAC5 Chapter 30). In addition, the list of appendices to 40 CFR Part 51 is being updated under documents incorporated by reference (9VAC5–20–21).

The following are the specific sections that are being modified or added:

- 9VAC5–20–21: Documents incorporated by reference (modified).
- 9VAC5–30–55: Ozone (8-hour, 0.08 ppm) (modified).
- 9VAC5–30–56: Ozone (8-hour, 0.075 ppm) (added).

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides for, subject to certain conditions, an environmental assessment (audit) "privilege" for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information "required by law," including documents and information "required by Federal law to maintain program delegation, authorization or approval," since Virginia must "enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. * * *" The opinion concludes that "[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval."

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that "[t]o the extent consistent with requirements imposed by Federal law," any person making a voluntary disclosure of information to a State agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since "no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent

with Federal law, which is one of the criteria for immunity."

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a State audit privilege and immunity law can affect only State enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State plan, independently of any State enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, State audit privilege or immunity law.

IV. Final Action

EPA is approving Virginia's SIP revisions for the 2008 ozone NAAQS and related reference conditions, as well as the updated list of appendices to 40 CFR part 51 under "Documents Incorporated by Reference." EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on March 21, 2011 without further notice unless EPA receives adverse comment by February 17, 2011. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 21, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action pertaining to Virginia's adoption of the 2008 8-hour ozone NAAQS of 0.075 parts per million (ppm) and related reference conditions may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 22, 2010.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entry for Section 5–30–55 and by adding the entry for Section 5–30–56. The table in paragraph (e) is amended by adding an entry for "Documents Incorporated by Reference" after the ninth existing entry for "Documents Incorporated by Reference." The amendments read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 30	**Ambient Air Quality Standards [Part III]**			
*	*	*	*	*
5–30–55	Ozone (8-hour, 0.08 ppm)	6/24/09	1/18/11 [Insert page number where the document begins].	Revised section.
5–30–56	Ozone (8-hour, 0.075 ppm)	6/24/09	1/18/11 [Insert page number where the document begins].	Added section.
*	*	*	*	*

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Documents Incorporated by Reference (9 VAC 5–20–21, Sections B and E.1.).	Statewide	9/27/10	1/18/11 [Insert page number where the document begins].	Revised sections.
*	*	*	*	*

* * * * *

[FR Doc. 2011–487 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2002–0051; EPA–HQ–OAR–2007–0877; FRL–9253–4]

RIN 2060–AQ59

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final rule; amendments.

SUMMARY: The EPA is taking direct final action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. This direct final action amends certain regulatory text to clarify compliance dates and clarifies that the previously issued emission limits that were changed in the September 9, 2010, action remain in effect until sources are required to comply with the revised limits. We are also correcting two minor typographical errors in the regulatory text to the September 9, 2010 action.

DATES: The direct final rule is effective on March 21, 2011, without further notice, unless EPA receives significant adverse written comment by February 17, 2011, or if a public hearing is requested by February 2, 2011. If significant adverse comments are received, EPA will publish a timely withdrawal in the **Federal Register** clarifying which provisions will become effective and which provisions are being withdrawn due to adverse comment.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0051, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), National Emission Standards for Hazardous Air Pollutant From the Portland Cement Manufacturing Industry Docket, Docket ID No. EPA–HQ–OAR–2002–0051, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two

copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attn:* Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.

• *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), Standards of Performance (NSPS) for Portland Cement Plants Docket, Docket ID No. EPA–HQ–OAR–2002–0051, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0051. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Barnett; Office of Air Quality Planning and Standards; Sector Policies and Programs Division, Metals and Minerals Group (D243–02); Environmental Protection Agency; Research Triangle Park, NC 27711; telephone number: (919) 541–5605; fax number: (919) 541–5450; e-mail address: *barnett.keith@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. What is the background for the amendments?

On September 9, 2010 (75 FR 54970), EPA issued final amendments to National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry and Review of New Source Performance Standards (NSPS) for Portland Cement Plants. EPA subsequently determined that the final rule amendments were unclear in certain areas. First, compliance dates are unclear for some sources. Second, the final rule amendments did not make clear that emission limits currently in effect for existing sources remain in effect until the compliance date of the September 9, 2010, emission standards. Third, we inadvertently omitted a required rule reference in an incorporation by reference provision. Finally, this direct final rule will correct a typographical error in Table 1 of § 63.1343(b). This action makes these clarifications and corrects these errors.

We are issuing the amendments as a direct final rule, without a prior proposal, because we view the revisions as noncontroversial and anticipate no adverse comment. However, in the Proposed Rules section of this **Federal Register** notice, we are publishing a separate document that will serve as the proposal to amend the NESHAP and NSPS for cement production if significant adverse comments are filed.

II. What are the changes to the final rules (75 FR 54970)?

This direct final rule changes the following provisions. In § 63.1351(b) we establish a compliance date for existing sources of three years from publication of the final rule in the **Federal Register** for the particulate matter (PM), total hydrocarbons (THC), hydrochloric acid (HCl), and mercury emissions limits. However, we also made other changes to rule requirements, which included regulating open clinker piles and changing the requirements for opacity measurements. Because the rule text did not include specific compliance dates for these other requirements, there is uncertainty as to the compliance dates as applied to existing sources—for example, whether there is an unstated (and unintended) implication that compliance dates for standards and other changes not enumerated explicitly are different from three years after promulgation. EPA in fact intended that the same compliance date apply for all changes to rule requirements for existing sources. This is evident since EPA indicated generally that it was establishing a compliance date of three years for the September 9, 2010, requirements for existing sources (75 FR at 54993), and never discussed or otherwise suggested (in either the proposed or final rule) any alternative compliance date. We have now modified § 63.1351 to clarify that all of the amendments of standards for existing sources have a compliance date of three years from promulgation. In addition, we are clarifying the rule text to make clear that the compliance date for the monitoring requirements associated with the September 9, 2010, emission standards, including requirements for measuring clinker production, is three years from promulgation.

In establishing the September 9, 2010, standards for existing cement kilns, it was not our intention to remove the existing emissions limits for these kilns adopted by EPA in 1999 and 2006. No such change was proposed, discussed, or contemplated by EPA or by any commenter. However, due to a drafting error, these provisions were inadvertently deleted. In this action we are restoring the kiln, clinker cooler, and raw material dryer emissions limits as they existed prior to the September 9, 2010, rule amendments. This includes both the new and existing source emissions limits that existed prior to September 9, 2010. Kilns that are now defined as existing sources for the mercury and THC limits promulgated on September 9, 2010, will

still be required to meet the new source standards promulgated on December 20, 2006 (71 FR 76518), if they were subject to these emissions limits, until the compliance date for the limits promulgated on September 9, 2010, has passed. Once the compliance date for any emissions limit changed on September 9, 2010, has passed, the previous limit no longer applies.

In the Incorporation by Reference section of Part 60 subpart A, we inadvertently omitted a reference to § 60.257(b)(3), which was previously incorporated in paragraph § 60.17(h)(4). In this notice, we are adding this reference to that paragraph.

Finally, on Table 1 of § 63.1343 entry 16 in the column titled, "And if it is located," we failed to include the words "At a major source" in entry 16. We are adding this language to the table.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore, not subject to review by the Office of Management and Budget (OMB). (*See* 75 FR 55029–30) This action is a correction to certain text in the final rules and is not a "major rule" as defined by 5 U.S.C. 804(2). However, the final rules promulgated on September 9, 2010, were reviewed by OMB.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. This action adds clarifications and corrections the final standards. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (75 FR 54970, September 9, 2010) under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2060–0416 and 2060–0614. 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 rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of this rule on small entities, small entity is defined as: (1) A small business whose parent company has no more than 750 employees depending on the size definition for the affected NAICS code (as defined by Small Business Administration (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of this direct final rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities because it does not add any additional regulatory requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (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.

This direct 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. Thus, this final rule is not subject to the requirements of section 202 and 205 of the UMRA.

This final action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This final action contains no requirements that apply to such governments, imposes no obligations upon them, and will not result in expenditures by them of $100 million or more in any one year or any disproportionate impacts on them.

E. Executive Order 13132: Federalism

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

This direct final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments. Thus, Executive Order 13132 does not apply to these final rules.

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

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000) EPA may not issue a regulation that has Tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by Tribal governments, or EPA consults with Tribal officials early in the process of developing the regulation and develops a Tribal summary impact statement.

This direct final rule does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. The final rule imposes no new requirements on the one Tribally owned facility. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as

applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it is based solely on technology performance.

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

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 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 (VCS) 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 VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve changes to the technical standards related to test methods or monitoring methods; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

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

Executive Order (EO) 12898 (59 FR 7629) (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.

The direct final rule does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), because it does not change any regulatory requirements. This action merely corrects and clarifies existing requirements.

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 correction is effective March 21, 2011.

List of Subjects

40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: January 10, 2011.

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 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart A—[Amended]

■ 2. Section 60.17 is amended by revising paragraph (h)(4) to read as follows:

§ 60.17 Incorporations by reference.

* * * * *

(h) * * *

(4) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], IBR approved for § 60.56c(b)(4) of subpart Ec, § 60.63(f)(2) and (f)(4) of subpart F, § 60.106(e)(2) of subpart J, §§ 60.104a(d)(3), (d)(5), (d)(6), (h)(3), (h)(4), (h)(5), (i)(3), (i)(4), (i)(5), (j)(3), and (j)(4), 60.105a(d)(4), (f)(2), (f)(4), (g)(2), and (g)(4), 60.106a(a)(1)(iii), (a)(2)(iii), (a)(2)(v), (a)(2)(viii), (a)(3)(ii), and (a)(3)(v), and 60.107a(a)(1)(ii), (a)(1)(iv), (a)(2)(ii), (c)(2), (c)(4), and (d)(2) of subpart Ja, § 60.257(b)(3) of Subpart Y, tables 1 and 3 of subpart EEEE, tables 2 and 4 of subpart FFFF, table 2 of subpart JJJJ, and § 60.4415(a)(2) and (a)(3) of subpart KKKK of this part.

PART 63—[AMENDED]

■ 3. The authority citation for part 63 continues to read as follows:

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

Subpart LLL—[Amended]

■ 4. Section 63.1343 is amended by revising entry 16 of Table 1 in paragraph (b)(1) and adding paragraph (e) to read as follows:

§ 63.1343 What standards apply to my kilns, clinker coolers, raw material dryers, and open clinker piles?

* * * * *

(b)(1) * * *

TABLE 1—EMISSIONS LIMITS FOR KILNS (ROWS 1–8), CLINKER COOLERS (ROWS 9–12), RAW MATERIAL DRYERS (ROWS 13–15), RAW AND FINISH MILLS (ROW 16)

	If your source is	And the operating mode is:	And if is located	Your emissions limits are:	And the units of the emissions limit are:	The oxygen correction factor is:
*	*	*	*	*	*	*
16	An Existing or new raw or finish mill.	All operating modes	At a major source	Opacity-10	percent	NA.
*	*	*	*	*	*	*

* * * * *

(e) Emissions limits in effect prior to September 9, 2010. Any source defined as an existing source in § 63.1351, and that was subject to a PM, mercury, THC, D/F, or opacity emissions limit prior to September 9, 2010, must continue to meet the limits shown in Table 2 to this section until September 9, 2013.

TABLE 2—EMISSIONS LIMITS IN EFFECT PRIOR TO SEPTEMBER 9, 2010, FOR KILNS (ROWS 1–4), CLINKER COOLERS (ROW 5), AND RAW MATERIAL DRYERS (ROWS 6–9).

If your source is	and	And if it is located at	Your emissions limits are [1]:	And the units of the emissions limit are:
1. An existing kiln	it commenced construction or reconstruction on or prior to December 2, 2005.	A major source	PM—0.3 ..... Opacity—20 D/F—0.2 [2] .... THC—50 [3 4]	lb/ton feed percent ng/dscm (TEQ) ppmvd.
2. An existing kiln	it commenced construction or reconstruction after December 2, 2005.	A major source	PM—0.3 ..... Opacity—20 D/F—0.2 [2] .... THC—20 [3 5] Mercury—41 [6].	lb/ton feed percent ng/dscm (TEQ) ppmvd ug/dscm.
3. An existing kiln	it commenced construction or reconstruction on or prior to December 2, 2005.	An area source	D/F—0.2 [2] .... THC—50 [3 4]	ng/dscm (TEQ) ppmvd.
4. An existing kiln	it commenced construction or reconstruction after December 2, 2005.	An area source	D/F—0.2 [2] .... THC—20 [3 5] Mercury—41 [6].	ng/dscm (TEQ) ppmvd ug/dscm.
5. An existing clinker cooler	NA	A major source	PM—0.1 ..... Opacity—10	lb/ton feed percent.
6. An existing raw material dryer ..	it commenced construction or reconstruction on or prior to December 2, 2005.	A major source	THC—50 [3 4] Opacity—10	ppmvd percent.
7. An existing raw material dryer ..	it commenced construction or reconstruction after December 2, 2005.	A major source	THC—20 [3 5] Opacity—10	ppmvd percent.
8. An existing raw material dryer ..	it commenced construction or reconstruction on or prior to December 2, 2005.	An area source	THC—50 [3 4]	ppmvd.
9. An existing raw material dryer ..	it commenced construction or reconstruction after December 2, 2005.	An area source	THC—20 [3 5]	ppmvd.

[1] All emission limits expressed as a concentration basis (ppmvd, ng/dscm) are corrected to seven percent oxygen.
[2] If the average temperature at the inlet to the first particulate matter control device (fabric filter or electrostatic precipitator) during the D/F performance test is 400 °F or less, this limit is changed to 0.4 ng/dscm (TEQ).
[3] Measured as propane.
[4] Only applies to Greenfield kilns or raw material dryers.
[5] As an alternative, a source may demonstrate a 98 percent reduction in THC emissions from the exit of the kiln or raw material dryer to discharge to the atmosphere. Inline raw mills are considered to be an integral part of the kiln.
[6] As an alternative, a source may route the emissions through a packer bed or spray tower wet scrubber with a liquid-to-gas ratio of 30 gallons per 1000 actual cubic feet per minute or more and meet a site-specific emission limit based on the measured performance of the wet scrubber.

■ 5. Section 63.1350 is amended by revising paragraph (d)(2) to read as follows:

§ 63.1350 Monitoring requirements.

* * * * *

(d) * * *

(2) Determine, record, and maintain a record of the accuracy of the system of measuring hourly clinker production (or feed mass flow if applicable). During each quarter of source operation, you must determine, record, and maintain a record of the ongoing accuracy of the system of measuring hourly clinker production (or feed mass flow).

* * * * *

■ 6. Section 63.1351 is revised to read as follows:

§ 63.1351 Compliance dates.

(a) The compliance date for any affected existing source subject to any rule requirements that were in effect before December 20, 2006, is:

(1) June 14, 2002, for sources that commenced construction before or on March 24, 1998, or

(2) June 14, 1999 or startup for sources that commenced construction after March 24, 1998.

(b) The compliance date for any affected existing source subject to any rule requirements that became effective on December 20, 2006, is:

(1) December 21, 2009, for sources that commenced construction after December 2, 2005 and before or on December 20, 2006, or

(2) Startup for sources that commenced construction after December 20, 2006.

(c) The compliance date for existing sources for all the requirements that became effective on November 8, 2010 will be September 9, 2013.

(d) The compliance date for new sources is November 9, 2010 or startup, whichever is later.

[FR Doc. 2011–759 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket ID FEMA–2011–0002; Internal Agency Docket No. FEMA–B–1172]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

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

PART 65—[AMENDED]

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

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

§ 65.4 [Amended]

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

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa ..	City of Peoria (10–09–1908P).	October 21, 2010, October 28, 2010, *Arizona Business Gazette*.	The Honorable Bob Barrett, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	Oct. 15, 2010	040050

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa ..	Unincorporated areas of Maricopa County (10–09–1908P).	October 21, 2010, October 28, 2010, *Arizona Business Gazette*.	Mr. Don Stapley, Chairman, Maricopa County Board of Supervisors, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Oct. 15, 2010	040037
Arizona: Pinal	City of Casa Grande (10–09–1532P).	November 12, 2010, November 19, 2010, *Casa Grande Dispatch*.	The Honorable Robert M. Jackson, Mayor, City of Casa Grande, 510 East Florence Boulevard, Casa Grande, AZ 85222.	Nov. 5, 2010	040080
Arizona: Pinal	City of Maricopa (10–09–2020P).	November 4, 2010, November 11, 2010, *Casa Grande Dispatch*.	The Honorable Anthony Smith, Mayor, City of Maricopa, 45145 West Madison Avenue, Maricopa, AZ 85239.	Mar. 11, 2011	040052
Arizona: Pinal	Unincorporated areas of Pinal County (10–09–2020P).	November 4, 2010, November 11, 2010, *Casa Grande Dispatch*.	Mr. Pete Rios, Chairman, Pinal County Board of Supervisors, P.O. Box 827, Florence, AZ 85132.	Mar. 11, 2011	040077
Arizona: Yavapai	Unincorporated areas of Yavapai County (10–09–0470P).	November 10, 2010, November 17, 2010, *The Daily Courier*.	Mr. Chip Davis, Chairman, Yavapai County Board of Supervisors, 10 South 6th Street, Cottonwood, AZ 86326.	Mar. 17, 2011	040093
Colorado: El Paso ..	City of Colorado Springs (10–08–0460P).	October 27, 2010, November 3, 2010, *El Paso County Advertiser and News*.	The Honorable Lionel Riviera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	Nov. 17, 2010	080060
Colorado: Summit ..	Unincorporated areas of Summit County (10–08–0470P).	November 5, 2010, November 12, 2010, *Summit County Journal*.	Mr. Bob French, Chairman, Summit County Board of Commissioners, P.O. Box 68, Breckenridge, CO 80424.	Nov. 29, 2010	080290
Colorado: Weld	Town of Firestone (10–08–0823P).	October 8, 2010, October 15, 2010, *The Greeley Tribune*.	The Honorable Chad Auer, Mayor, Town of Firestone, P.O. Box 100, Firestone, CO 80520.	Feb. 14, 2011	080241
Colorado: Weld	Town of Frederick (10–08–0823P).	October 8, 2010, October 15, 2010, *The Greeley Tribune*.	The Honorable Eric Doering, Mayor, Town of Frederick, P.O. Box 435, Frederick, CO 80530.	Feb. 14, 2011	080244
Colorado: Weld	Unincorporated areas of Weld County (10–08–0823P).	October 8, 2010, October 15, 2010, *The Greeley Tribune*.	Mr. Douglas Rademacher, Chairman, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Feb. 14, 2011	080266
Florida: Collier	City of Marco Island (10–04–7495P).	November 5, 2010, November 12, 2010, *Naples Daily News*.	Mr. James Riviere, Ph.D., Manager, City of Marco Island, 50 Bald Eagle Drive, Marco Island, FL 34145.	Oct. 27, 2010	120426
Florida: Leon	Unincorporated areas of Leon County (10–04–8400P).	October 29, 2010, November 5, 2010, *Tallahassee Democrat*.	Mr. Parwez Alam, Leon County Administrator, 301 South Monroe Street, Tallahassee, FL 32301.	Mar. 7, 2011	120143
Florida: Okaloosa ...	Unincorporated areas of Okaloosa County (10–04–8273P).	November 16, 2010, November 23, 2010, *Northwest Florida Daily News*.	Mr. Wayne R. Harris, Chairman, Okaloosa County Board of Commissioners, 1804 Lewis Turner Boulevard, Suite 100, Fort Walton Beach, FL 32547.	Nov. 8, 2010	120173
Florida: Sarasota ...	City of Sarasota (10–04–6569P).	November 5, 2010, November 12, 2010, *Sarasota Herald-Tribune*.	The Honorable Kelly M. Kirschner, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Oct. 28, 2010	125150
Georgia: Bryan	City of Richmond Hill (10–04–6327P).	November 3, 2010, November 10, 2010, *Bryan County News*.	The Honorable E. Harold Fowler, Mayor, City of Richmond Hill, P.O. Box 250, Richmond Hill, GA 31324.	Mar. 10, 2011	130018
Georgia: Forsyth	Unincorporated areas of Forsyth County (10–04–6459P).	October 27, 2010, November 3, 2010, *Forsyth County News*.	Mr. Charlie Laughinghouse, Chairman, Forsyth County Board of Commissioners, 110 East Main Street, Suite 210, Cumming, GA 30040.	Nov. 17, 2010	130312
Georgia: Lamar	City of Barnesville (10–04–1925P).	August 24, 2010, August 31, 2010, *The Herald-Gazette*.	The Honorable Peter Banks, Mayor, City of Barnesville, 109 Forsyth Street, Barnesville, GA 30204.	Dec. 29, 2010	130207
Georgia: Tift	City of Tifton (09–04–7386P).	November 19, 2010, November 26, 2010, *The Tifton Gazette*.	Mr. J. G. Cater, Jr., Chairman, Tift County Board of Commissioners, P.O. Box 229, Tifton, GA 31793.	Mar. 28, 2011	130171
Georgia: Tift	Unincorporated areas of Tift County (09–04–7386P).	November 19, 2010, November 26, 2010, *The Tifton Gazette*.	Mr. Grady Thompson, Chairman, Tift County Commission, 225 North Tift Avenue, Tifton, GA 31794.	Mar. 28, 2011	130404

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Mississippi: DeSoto	City of Olive Branch (10–04–1806P).	November 2, 2010, November 9, 2010, *DeSoto Times-Tribune*.	The Honorable Sam Rikard, Mayor, City of Olive Branch, 9200 Pigeon Roost Road, Olive Branch, MS 38654.	Mar. 9, 2011	280286
Montana: Yellowstone.	Unincorporated areas of Yellowstone County (09–08–0713P).	June 10, 2010, June 17, 2010, *The Billings Gazette*.	Mr. Bill Kennedy, Chairperson, Yellowstone County Board of Commissioners, P.O Box 35000, Billings, MT 59107.	May 28, 2010	300142
North Carolina: Alamance.	Unincorporated areas of Alamance County (10–04–6308P).	October 27, 2010, November 3, 2010, *The Times-News*.	Mr. Craig F. Honeycutt, Alamance County Manager, 124 West Elm Street, Graham, NC 27253.	Mar. 3, 2011	370001
North Carolina: Durham.	City of Durham (09–04–5502P).	November 27, 2009, December 4, 2009, *The Herald Sun*.	The Honorable William V. Bell, Mayor, City of Durham, Office of the Mayor, 101 City Hall Plaza, Durham, North Carolina 27701.	Apr. 5, 2010	370086
North Carolina: Mecklenburg.	City of Charlotte (10–04–7369P).	October 29, 2010, November 5, 2010, *The Charlotte Observer*.	The Honorable Anthony Foxx, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mar. 7, 2011	370159
North Carolina: Union.	Unincorporated areas of Union County (10–04–7369P).	October 29, 2010, November 5, 2010, *The Enquirer-Journal*.	Mr. Jerry Simpson, Chairman, Union County Board of Commissioners, 500 North Main Street, Monroe, NC 28112.	Mar. 7, 2011	370234
South Dakota: Lawrence.	City of Spearfish (10–08–0269P).	November 10, 2010, November 17, 2010, *Black Hills Pioneer*.	The Honorable Jerry Krambeck, Mayor, City of Spearfish, 625 North 5th Street, Spearfish, SD 57783.	Nov. 3, 2010	460046
South Dakota: Minnehaha.	City of Brandon (10–08–0604P).	November 10, 2010, November 17, 2010, *Argus Leader*.	The Honorable Larry Beesley, Mayor, City of Brandon, 212 7th Avenue, Brandon, SD 57005.	Mar. 17, 2011	460296
South Dakota: Minnehaha.	Unincorporated areas of Minnehaha County (10–08–0604P).	November 10, 2010, November 17, 2010, *Argus Leader*.	Ms. Anne Hajek, Chair, Minnehaha County Board of Commissioners, 415 North Dakota Avenue, Sioux Falls, SD 57104.	Mar. 17, 2011	460057
Utah: Utah	City of Spanish Fork (10–08–0282P).	October 8, 2010, October 15, 2010, *The Daily Herald*.	The Honorable G. Wayne Anderson, Mayor, City of Spanish Fork, 40 South Main Street, Spanish Fork, UT 84660.	Feb. 14, 2011	490241
Utah: Utah	Unincorporated areas of Utah County (10–08–0282P).	October 8, 2010, October 15, 2010, *The Daily Herald*.	Mr. Steve White, Chairman, Utah County Board of Commissioners, 100 East Center Street, Provo, UT 84606.	Feb. 14, 2011	495517

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

Dated: January 7, 2011.

Sandra K. Knight,

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

[FR Doc. 2011–838 Filed 1–14–11; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register

Vol. 76, No. 11

Tuesday, January 18, 2011

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1313; Directorate Identifier 2010–NM–158–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This proposed AD would require inspecting to determine the clearance and any wire bundle damage between wire bundle W443 and the left forward rudder quadrant, followed by adjusting the minimum clearance between the wire bundle and the left forward rudder quadrant, and repairing any wire bundle damage. This proposed AD results from reports of contact between wire bundle W443 and the left forward rudder quadrant. We are proposing this AD to detect and correct contact between the wire bundle and the left forward rudder quadrant. Damage to the wire bundle could result in uncommanded stabilizer trim and autopilot disconnects due to shorted wires from contact between the wire bundle and the left forward rudder quadrant, potentially affecting the capability of the flight crew during high work load and consequently reducing control of the airplane. Restricted free movement of the rudder quadrant at full right rudder travel would reduce controllability of the airplane.

DATES: We must receive comments on this proposed AD by March 4, 2011.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com*; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced 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.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Dean Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6409; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–1313; Directorate Identifier 2010–NM–158–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We have received reports of interference between the left forward rudder quadrant and wire bundle W443 during full right rudder travel. This condition was found on an airplane during a pre-flight check when a pilot reported interference during full-right rudder travel. Twenty airplanes out of 32 that were inspected were found to have non-conforming installations for wire bundle W443, which increase the likelihood for interference during full right rudder movement. Investigation showed that while the interference condition was not present on the 20 airplanes, the wire bundle was installed with too much slack between clamps. Restricted control surface movement can occur from insufficient clearance between the wire bundle and the left forward rudder quadrant, and if the wire bundle is damaged, uncommanded stabilizer or autopilot disconnects could occur due to shorted wires from contact between the wire bundle and the left forward rudder quadrant, potentially affecting the capability of the flight crew during high work load and consequently reducing control of the airplane. Restricted free movement of the rudder quadrant at full right rudder travel, if not corrected, would reduce controllability of the airplane.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 737–27–1282, Revision 1, dated June 14, 2010. The service bulletin describes procedures for a detailed inspection of wire bundle W443 for damage and repairing any damage, and measuring and adjusting the minimum clearance

between the wire bundle and the left forward rudder quadrant.

FAA's Determination and Requirements of This Proposed AD

We are proposing this AD because we evaluated all relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. This proposed AD would require accomplishing the actions specified in the service information described previously

Costs of Compliance

We estimate that this proposed AD would affect 870 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

TABLE—ESTIMATED COSTS

Action	Work-hours	Average labor rate per hour	Cost per product	Number of U.S.-registered airplanes	Fleet cost
Inspection	2	$85	$170	870	$147,900

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

For the reasons discussed above, I certify this proposed regulation:

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

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

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2010–1313; Directorate Identifier 2010–NM–158–AD.

Comments Due Date

(a) We must receive comments by March 4, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–27–1282, Revision 1, dated June 14, 2010.

Subject

(d) Air Transport Association (ATA) of America Code 27: Flight controls.

Unsafe Condition

(e) This AD results from reports of contact between wire bundle W443 and the left forward rudder quadrant. We are proposing this AD to detect and correct contact between the wire bundle and the left forward rudder quadrant. Damage to the wire bundle could result in uncommanded stabilizer trim and autopilot disconnects due to shorted wires from contact between the wire bundle and the left forward rudder quadrant, potentially affecting the capability of the flight crew during high work load and consequently reducing control of the airplane. Restricted free movement of the rudder quadrant at full right rudder travel would reduce controllability of the airplane.

Compliance

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

Wire Bundle W443 Inspection and Clearance Measurement

(g) Within 60 months after the effective date of this AD: Do a detailed inspection of wire bundle W443 for damage and measure for sufficient clearance in accordance with Part 1 of the Work Instructions of Boeing Special Attention Service Bulletin 737–27–1282, Revision 1, dated June 14, 2010. If the wire bundle is undamaged, and sufficient clearance exists, no further action is required by this AD.

Wire Bundle W443 Undamaged: Clearance Adjustment

(h) If the clearance of wire bundle W443 in the inspection required by paragraph (g) of this AD is found to be insufficient, before further flight adjust the wire bundle clearance in accordance with Part 2 of the Work Instructions of Boeing Special Attention Service Bulletin 737–27–1282, Revision 1, dated June 14, 2010.

Wire Bundle W443 Damaged: Repair, and Clearance Adjustment

(i) If wire bundle W443 is found to be damaged in the inspection required by paragraph (g) of this AD, before further flight repair the damaged wire bundle and adjust the wire bundle clearance in accordance with Part 3 of the Work Instructions of Boeing Special Attention Service Bulletin 737–27–1282, Revision 1, dated June 14, 2010.

Credit for Actions Accomplished in Accordance With Previous Service Information

(j) Actions accomplished before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 737–27–1282, dated March 15, 2007, are considered acceptable for compliance with

the corresponding action specified in this AD.

Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, Seattle Aircraft Certification Office (ACO), 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: Dean Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6409; fax (425) 917–6590. Information may be e-mailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Issued in Renton, Washington on January 10, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–862 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1303; Directorate Identifier 2010–SW–049–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (Eurocopter) Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the specified Eurocopter model helicopters. This proposed AD would require an initial and recurring inspections of the inner angles and flanges of the 9-degree frame on the right-hand (RH) and left-hand (LH) sides for a crack. If a crack is found, this proposed AD would require, before further flight, repairing the frame. This proposed AD is prompted by the discovery of a crack in the 9-degree frame of a Eurocopter Model AS–365N2 helicopter. These cracks could also develop on the other specified model helicopters because they contain the same 9-degree frame. The actions specified by this proposed AD are intended to detect a crack in the 9-degree frame to prevent loss of structural integrity and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before March 21, 2011.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD:

- *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.

You may get the service information identified in this proposed 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.*

You may examine the comments to this proposed AD in the AD docket on the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd, Fort Worth, Texas 76137, telephone (817) 222–5130, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the caption **ADDRESSES**. Include the Docket No. "FAA–2010–1303, Directorate Identifier 2010–SW–049–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of the docket Web site, you can find and read the comments to any of our dockets, including the name of the individual who sent or signed the comment. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Examining the Docket

You may examine the docket that contains the proposed AD, any comments, and other information in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located in Room W12–140 on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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. 2010–0064–E, dated April 1, 2010, which supersedes EASA Emergency AD No. 2009–0125–E, dated June 12, 2009, and the correction dated June 15, 2009, to correct an unsafe condition for the specified model helicopters. EASA advises that during a major inspection a crack was found in the 9-degree frame of an AS–365N2 helicopter, which had logged a total of 10,786 flight hours. The crack was located 230 millimeters above the cabin floor and had grown over a large section of the 9-degree frame on the RH side. EASA states that analysis shows that the time required for initiation of a crack in this area varies according to the weight and balance data of the different aircraft versions.

Related Service Information

Eurocopter has issued Emergency Alert Service Bulletin (EASB), Revision 1, dated March 31, 2010, containing the following three numbers: No. 05.00.57 for FAA type-certificated Model SA–365N, N1 and AS–365N2 and N3 helicopters and for military, not FAA type-certificated, Model AS365F, Fs, Fi, and K helicopters; No. 05.00.25 for military, not FAA type-certificated, Model AS565AA, MA, MB, SA, SB, and UB helicopters; and No. 05.39 for FAA type-certificated Model SA–366G1 helicopters and for military, not FAA type-certificated, Model SA366GA helicopters. The EASB specifies checking at regular intervals for a crack

in the areas of the inner angles and flanges of the 9° frame on the RH and LH sides, near the splice. The EASB states that Eurocopter is currently studying an improvement (reinforcement) of the frame, which will cancel the checks specified by the EASB. EASA classified this EASB as mandatory and issued AD No. 2010–0064–E, dated April 1, 2010, to ensure the continued airworthiness of these helicopters.

FAA's Evaluation and Unsafe Condition Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, their technical representative, has notified us of the unsafe condition described in their AD. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs. This proposed AD would require an initial and recurring inspections of the inner angles and flanges of the 9-degree frame on the RH and LH sides for a crack. If a crack is found, this proposed AD would require, before further flight, repairing the frame.

Differences Between This Proposed AD and the EASA AD

We refer to "flight hours" as "hours time-in-service." We do not refer to the EASB for accomplishment instructions. We do not require contacting the manufacturer for approved repair instructions. We do not allow flight with a known crack. Therefore, we do not revise our required action based on the length and specific location of the crack on the 9-degree frame. We refer to the 9-degree frame rather than the No. 9 frame.

Costs of Compliance

We estimate that this proposed AD would affect 19 helicopters of U.S. registry. We also estimate that it would take about 3 work hours for about 12 inspections a year per helicopter. It would take about 24 hours to repair a helicopter frame. The average labor rate is $85 per work hour. Required parts would cost about $3,350. Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $68,920 for the fleet, assuming 2 helicopters require repair each year.

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); 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 proposed AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Eurocopter France: Docket No. FAA–2010–1303; Directorate Identifier 2010–SW–049–AD

Applicability: Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, certificated in any category.

Compliance: Required as indicated.

To detect a crack in the 9-degree frame to prevent loss of structural integrity and subsequent loss of control of the helicopter, do the following:

(a) On or before the affected model helicopters reach the hours time-in-service (TIS) listed in Table 1 of this AD or within 10 hours TIS, whichever occurs later, unless accomplished previously, and thereafter at intervals not to exceed 110 hours TIS, using a 10X or higher magnifying glass, inspect the inner angles and flanges of the 9-degree fuselage frame on the right hand and left hand sides for a crack in the area depicted in Figure 1 and as shown in Figure 2 of this AD.

TABLE 1

Helicopter model	Hours TIS
SA–365N	8,990
SA–365N1	9,990
AS–365N2	3,190
AS 365 N3	2,090
SA–366G1	9,990

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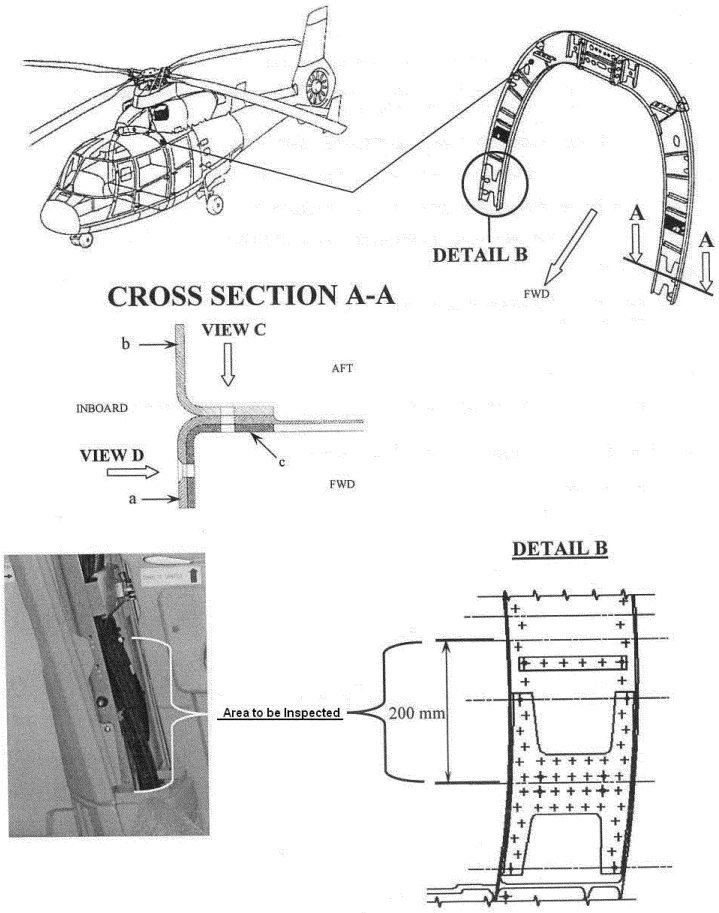

DETAIL B
A
A
FWD
CROSS SECTION A-A
VIEW C
b
AFT
INBOARD
VIEW D
c
a
FWD
DETAIL B
Area to be Inspected
200 mm

Figure 1

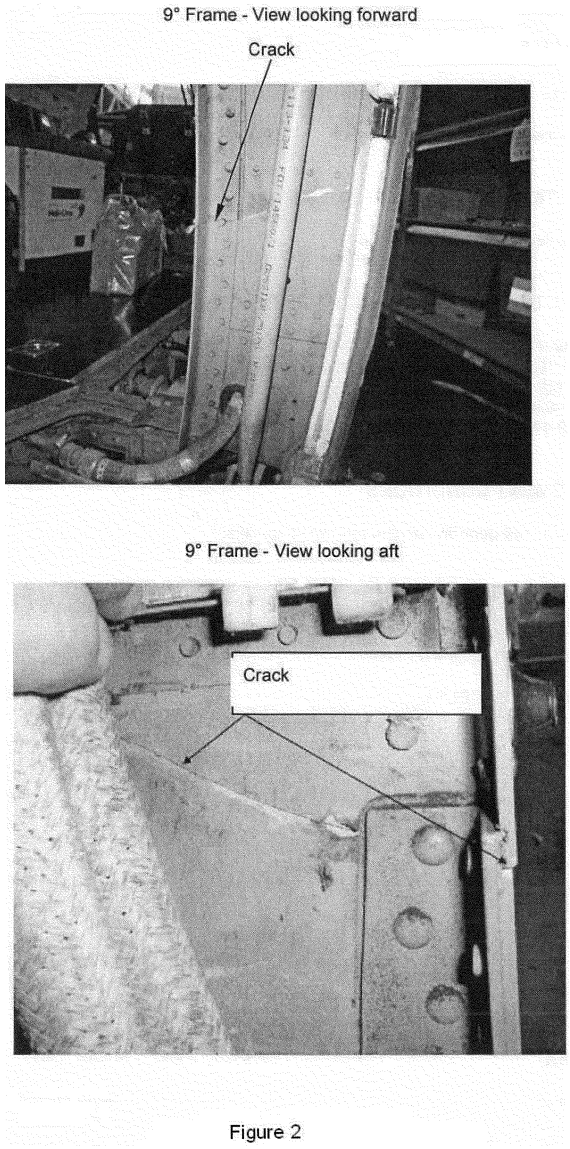


Figure 2

BILLING CODE 4910–13–C

Note 1: Eurocopter Emergency Alert Service Bulletin, Revision 1, dated March 31, 2010 (EASB), containing the following 3 numbers: No. 05.00.57 for FAA type-certificated Model SA–365N and N1 and AS–365N2 and N3 helicopters and for military, not FAA type-certificated, Model AS365F, Fs, Fi, and K helicopters; No. 05.00.25 for military, not FAA type-certificated, Model AS565AA, MA, MB, SA, SB, and UB helicopters; and No. 05.39 for FAA type-certificated Model SA–366G1 helicopters and for military, not FAA type-certificated, Model SA366GA helicopters. This EASB is not incorporated by reference but contains additional information about the subject of this AD. Actions previously done by following the procedures of this EASB are considered acceptable for complying with the corresponding actions in paragraphs (a) and (b) of this AD.

(b) If you find a crack, before further flight, repair the frame. Repairing a frame does not constitute terminating action for the repetitive inspection requirements of this AD.

(c) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, FAA, ATTN: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group 2601 Meacham Blvd, Fort Worth, Texas, 76137; telephone: (817) 222–5130 fax: 817–222–5961, for information about previously approved alternative methods of compliance.

(d) The Joint Aircraft System/Component (JASC) Code is 5311: Fuselage Main, Frame.

Note 2: The subject of this AD is addressed in European Aviation Safety Agency AD No. 2010–0064–E, dated April 1, 2010.

Issued in Fort Worth, Texas on December 16, 2010.

M. Monica Merritt,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2011–720 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1312; Directorate Identifier 2010–NM–220–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 777–200, –200LR, –300, and –300ER Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD would require installing foreign object debris (FOD) rubber shields over the primary and secondary external power connectors for certain airplanes, and wrapping fire-resistant silicone tape around the hydraulic tube for certain other airplanes. This proposed AD was prompted by a report of a fire in the main equipment center due to failure of an external power connector, which caused high-temperature arcing and subsequent splatter of molten copper on an adjacent hydraulic tube, creating a hole in the tube and spraying hydraulic fluid into the power connector, resulting in a fire. In addition there were several reports of overheating or arcing of external power connectors, and one report of a fire due to arcing caused by FOD. We are proposing this AD to prevent FOD from entering the primary and secondary external power connectors, which could result in overheating or arcing and consequent fire in the main equipment center.

DATES: We must receive comments on this proposed AD by March 4, 2011.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced 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.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6482; fax (425) 917–6590; e-mail: *georgios.roussos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–1312; Directorate Identifier 2010–NM–220–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received a report of a fire in the main equipment center due to failure of an external power connector, which caused high-temperature arcing and subsequent splatter of molten copper on an adjacent hydraulic tube, creating a hole in the tube and spraying hydraulic fluid into the power connector, resulting in a fire. In addition there were several reports of overheating or arcing of external power connectors, and one report of a fire due to arcing caused by FOD. During one incident a fire occurred on an airplane in the factory at the secondary external power connector location. Investigation revealed that the overheating and arcing events were caused by FOD; during a maintenance check a washer was found inside the external power connector. FOD in the primary and secondary external power connectors could result in overheating or arcing and consequent fire in the main equipment center.

Relevant Service Information

We reviewed Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007 (for Model 777–200, –200LR, –300, and –300ER airplanes); and Boeing Service Bulletin 777–24–0102, Revision 1, dated June 17, 2010 (for Model 777–200, –200LR, –300, and –300ER airplanes that require rubber FOD shields).

Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007, describes procedures for wrapping self-fusing fire-resistant silicone tape around the alternate extension hydraulic tube section of the nose landing gear adjacent to the P30 panel.

Boeing Service Bulletin 777–24–0102, Revision 1, dated June 17, 2010, describes procedures for installing new FOD rubber shields over the primary and secondary external power connectors at approximately station 350 in the main equipment center.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under "Difference Between the Proposed AD and the Service Information."

Difference Between the Proposed AD and the Service Information

Boeing Service Bulletin 777–24–0102, Revision 1, dated June 17, 2010, does not provide a compliance time for installing new FOD rubber shields; however, this proposed AD requires that installation be done within 36 months after the effective date of this AD. We considered the manufacturer's

recommendation that the compliance time coincide with the compliance time specified in Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007.

Costs of Compliance

We estimate that this proposed AD will affect 126 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Number of airplanes affected	Fleet cost
Install FOD rubber shields	6 work-hour × $85 per hour = $510	$134	$644	124	$79,856
Wrap silicone tape	2 work-hour × $85 per hour = $170	$0	$170	126	$21,420

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2010–1312; Directorate Identifier 2010–NM–220–AD.

Comments Due Date

(a) We must receive comments by March 4, 2011.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes; certificated in any category.

Subject

(d) Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Codes 29: Hydraulic power; and 24: Electrical power.

Unsafe Condition

(e) This AD was prompted by a report of a fire in the main equipment center due to failure of an external power connector, which caused high-temperature arcing and subsequent splatter of molten copper on an adjacent hydraulic tube, creating a hole in the tube and spraying hydraulic fluid into the power connector, resulting in a fire. In addition there were several reports of overheating or arcing of external power connectors, and one report of a fire due to arcing caused by foreign object damage (FOD). We are issuing this AD to prevent FOD from entering the primary and secondary external power connectors, which could result in overheating or arcing, and consequent fire in the main equipment center.

Compliance

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

Modification

(g) Within 36 months after the effective date of this AD, do the actions required by paragraphs (g)(1) and (g)(2) of this AD.

(1) For airplanes identified in Boeing Service Bulletin 777–24–0102, Revision 1, dated June 17, 2010: Install FOD rubber shields over the primary and secondary external power connectors, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 777–24–0102, Revision 1, dated June 17, 2010.

(2) For airplanes identified in Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007: Wrap fire-resistant silicone tape around the hydraulic tube, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007.

Exception to Service Information

(h) Figure 1 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–29–0032, dated August 9, 2007, does not identify the dimensions of the electrical tape which is installed on the hydraulic tube; those dimensions should be measured in inches.

Credit for Actions Accomplished in Accordance With Previous Service Information

(i) Actions done before the effective date of this AD in accordance with Boeing Service Bulletin 777–24–0102, dated July 12, 2007, are acceptable for compliance with the corresponding requirements of this paragraph (g)(1) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19,

send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be e-mailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your Principal Maintenance Inspector or Principal Avionics Inspector, as appropriate, or lacking a principal inspector, your local Flight Standards District Office.

Related Information

(k) For more information about this AD, contact Georgios Roussos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6482; fax (425) 917–6590; e-mail: *georgios.roussos@faa.gov.*

(l) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced 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.

Issued in Renton, Washington on January 10, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–876 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–1311; Directorate Identifier 2009–NM–229–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Model 757 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Model 757 airplanes. The existing AD currently requires inspecting certain power feeder wire bundles for damage, inspecting the support clamps for these wire bundles to determine whether the clamps are properly installed, and performing corrective actions if necessary. This proposed AD would require additional inspections for certain airplanes. This proposed AD results from a report that a power feeder wire bundle chafed against the number six auxiliary slat track, causing electrical wires in the bundle to arc, which damaged both the auxiliary slat track and power feeder wires. We are proposing this AD to prevent arcing that could be a possible ignition source for leaked flammable fluids, which could result in a fire. Arcing could also result in a loss of power from the generator connected to the power feeder wire bundle, and consequent loss of systems, which could reduce controllability of the airplane.

DATES: We must receive comments on this proposed AD by March 4, 2011.

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

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; e-mail *me.boecom@boeing.com;* Internet *https://www.myboeingfleet.com.* You may review copies of the referenced 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.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Philip Sheridan, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6441; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–1311; Directorate Identifier 2009–NM–229–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On January 18, 2007, we issued AD 2007–03–01, Amendment 39–14912 (72 FR 3939, January 29, 2007), for certain Model 757 airplanes. That AD requires inspecting certain power feeder wire bundles for damage, inspecting the support clamps for those wire bundles to determine whether the clamps are properly installed, and performing corrective actions if necessary. That AD resulted from a report that a power feeder wire bundle chafed against the number six auxiliary slat track, causing electrical wires in the bundle to arc, which damaged both the auxiliary slat track and power feeder wires. We issued that AD to prevent arcing that could be a possible ignition source for leaked flammable fluids, which could result in a fire. Arcing could also result in a loss of power from the generator connected to the power feeder wire bundle, and consequent loss of systems, which could reduce controllability of the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2007–03–01, we have learned that Boeing inadvertently identified certain airplanes with incorrect group numbers in Boeing

Special Attention Service Bulletins 757–24–0105 and 757–24–0106, both Revision 2, both dated April 20, 2006. We referred to those service bulletins as the appropriate sources of service information for accomplishing the required actions of AD 2007–03–01. As a result of identifying this error, Boeing has revised Special Attention Service Bulletins 757–24–0105 and 757–24–0106.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 757–24–0105, Revision 3, dated October 3, 2006; Revision 4, dated January 4, 2008; and Revision 5, dated July 30, 2009 (for Model 757–200, –200CB, and –200PF series airplanes). Boeing Special Attention Service Bulletin 757–24–0105, Revision 3, dated October 3, 2006, corrects a compliance recommendation and adds more part number data applicable to the spacer. Boeing Special Attention Service Bulletin 757–24–0105, Revision 4, dated January 4, 2008, corrects a part number and adds AD data. Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009, contains a change in the airplane group and configuration data, adds maintenance zones, and adds another optional fastener to plug the hole in the bracket. Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009, states that additional work is required for airplanes that have been moved from Group 2 to Group 1, Configuration 2. Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009, states that these airplanes require a general visual inspection to make sure they have support clamps for the power feeder wire bundles W3312 and W3412 at front spar station 148.90 and clamps installed on the lower brackets on the left wings as shown in Figure 3 of Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009.

We have also reviewed Boeing Special Attention Service Bulletin 757–24–0106, Revision 3, dated October 3, 2006; Revision 4, dated January 4, 2008; and Revision 5, dated July 30, 2009 (for Model 757–300 series airplanes). Boeing Special Attention Service Bulletin 757–24–0106, Revision 3, dated October 3, 2006, corrects a compliance recommendation and adds more part number data applicable to the spacer.

Boeing Special Attention Service Bulletin 757–24–0106, Revision 4, dated January 4, 2008, regrouped certain airplanes from Group 1 to Group 2. For this group of newly moved airplanes, Boeing Special Attention Service Bulletin 757–24–0106, Revision 4, dated January 4, 2008, regrouped airplanes having variable numbers NL101–NL104, NL141, and NL601–NL607 from Group 1 to Group 2 and added wire bundle W5784 and W5786 data. The airplanes moved to Group 2 require additional work: Doing a general visual inspection for damage (including but not limited to chafing) of wire bundles W5784 and W5786, doing a general visual inspection of the support clamps for those power feeder wire bundles to determine whether the clamps are properly installed, and doing corrective actions if necessary. The corrective actions include repairing damage of the power feeder wire bundles, installing in the correct hole of the attach bracket any support clamp found installed elsewhere, installing a spacer if one is not already installed, and installing a rivet to plug the open hole in the attach bracket.

Boeing Special Attention Service Bulletin 757–24–0106, Revision 5, dated July 30, 2009, adds affected maintenance zones and an optional rivet to plug the open hole in the bracket.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 2007–03–01 and would retain the requirements of the existing AD. This proposed AD would also require accomplishing the actions specified in the service information described previously.

Change to Existing AD

We have removed the "Service Bulletin Reference" paragraph from this NPRM. (That paragraph was identified as paragraph (f) in AD 2007–03–01). Instead, we have provided the full service bulletin citations throughout this NPRM.

Costs of Compliance

There are approximately 902 Model 757 airplanes of the affected design in the worldwide fleet. We estimate that 631 airplanes of U.S. registry would be affected by this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection (required by AD 2007–03–01)	2	$85	$0	$170 per inspection cycle.	683	$116,110 per inspection cycle.
Inspection for certain Group 1 Model 757–200, –200CB, –200PF series airplanes (new proposed action).	5	$85	$0	$425 per inspection cycle.	646	$274,550 per inspection cycle.
Inspections for Model 757–300 series airplanes (new proposed action).	4	$85	$0	$340 per inspection cycle.	37	$12,580 per inspection cycle..

Authority for This Rulemaking

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

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

products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); 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 proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Amendment 39–14912 (72 FR 3939, January 29, 2007) and adding the following new AD:

The Boeing Company: Docket No. FAA–2010–1311; Directorate Identifier 2009–NM–229–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by March 4, 2011.

Affected ADs

(b) This AD supersedes AD 2007–03–01, Amendment 39–14912.

Applicability

(c) This AD applies to The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category, specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model 757–200, –200PF, and –200CB series airplanes, as identified in Boeing Special Attention Bulletin 757–24–0105, Revision 5, dated July 30, 2009.

(2) Model 757–300 series airplanes, as identified in Boeing Special Attention Bulletin 757–24–0106, Revision 5, dated July 30, 2009.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Unsafe Condition

(e) This AD results from a report that a power feeder wire bundle chafed against the number six auxiliary slat track, causing electrical wires in the bundle to arc, which damaged both the auxiliary slat track and power feeder wires. The Federal Aviation Administration is issuing this AD to prevent arcing that could be a possible ignition source for leaked flammable fluids, which could result in a fire. Arcing could also result in a loss of power from the generator connected to the power feeder wire bundle, and consequent loss of systems, which could reduce controllability of the airplane.

Compliance

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

Restatement of Requirements of AD 2007–03–01, With Revised Service Information and Affected Airplane Groups:

One-Time Inspections and Corrective Actions

(g) For Model 757–200, –200PF, and –200CB series airplanes; and for Model 757–300 series airplanes identified as Group 1 airplanes in Boeing Special Attention Service Bulletin 757–24–0106, Revision 5, dated July 30, 2009: Within 24 months after March 5, 2007 (the effective date for AD 2007–03–01), perform a general visual inspection for damage (including but not limited to chafing) of power feeder wire bundles W3312 and W3412 at front spar station 148.90 in the left and right wings, and a general visual inspection of the support clamps for those power feeder wire bundles to determine whether the clamps are properly installed, and, before further flight, do all applicable corrective actions. Do these actions by doing all of the applicable actions in accordance with the Accomplishment Instructions of the applicable service bulletin identified in Table 1 of this AD. After the effective date of this AD, only Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009 (for Model 757–200, –200CB, and –200PF series airplanes); or Boeing Special Attention Service Bulletin 757–24–0106, Revision 5, dated July 30, 2009 (for Model 757–300 series airplanes); may be used.

TABLE 1—ACCEPTABLE SERVICE BULLETIN REVISIONS

Model—	Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–200, –200CB, and –200PF series airplanes	757–24–0105	2	April 20, 2006.
757–200, –200CB, and –200PF series airplanes	757–24–0105	5	July 30, 2009.
757–300 series airplanes	757–24–0106	2	April 20, 2006.
757–300 series airplanes	757–24–0106	5	July 30, 2009.

Actions Accomplished Previously for Paragraph (g) of This AD

(h) Inspections and corrective actions done before March 5, 2007, in accordance with the service information listed in Table 2 of this AD are acceptable for compliance with the corresponding actions required by paragraph (g) of this AD.

TABLE 2—OTHER ACCEPTABLE SERVICE BULLETIN REVISIONS FOR PREVIOUSLY ACCOMPLISHED ACTIONS

Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–24–0105	Original	September 30, 2004.
757–24–0105	1	June 23, 2005.
757–24–0106	Original	September 30, 2004.

TABLE 2—OTHER ACCEPTABLE SERVICE BULLETIN REVISIONS FOR PREVIOUSLY ACCOMPLISHED ACTIONS—Continued

Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–24–0106	1	June 23, 2005.

New Requirements of This AD

Additional Work for Model 757–200, –200CB, and –200PF Series Airplanes Identified in Revision 5 of the Service Information

(i) For Model 757–200, –200CB, and –200PF series airplanes on which inspections have been done before the effective date of this AD in accordance with any service bulletin specified in Table 3 of this AD: Within 24 months after the effective date of this AD, do a general visual inspection to determine that the clamp is installed on the lower bracket on the left wing as shown in Figure 3 of Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009. If any clamp is missing, before further flight, install a clamp on the lower bracket on the left wing, in accordance with Figure 3 of Boeing Special Attention Service Bulletin 757–24–0105, Revision 5, dated July 30, 2009.

TABLE 3—ACCEPTABLE REVISIONS OF SERVICE INFORMATION FOR ACTIONS ACCOMPLISHED BEFORE THE EFFECTIVE DATE OF THIS AD

Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–24–0105	Original	September 30, 2004.
757–24–0105	1	June 23, 2005.
757–24–0105	2	April 20, 2006.
757–24–0105	3	October 3, 2006.
757–24–0105	4	January 4, 2008.

(j) For Group 2 airplanes as identified in Boeing Special Attention Service Bulletin 757–24–0106, Revision 5, dated July 30, 2009: Within 24 months after the effective date of this AD, perform a general visual inspection for damage (including, but not limited to chafing) of power feeder wire bundles W5784 and W5786 at front spar station 148.90 in the left and right wings, and a general visual inspection of the support clamps for those power feeder wire bundles to determine whether the clamps are properly installed, and, before further flight, do all applicable corrective actions. Do all applicable actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 757–24–0106, Revision 5, dated July 30, 2009.

Credit for Actions Accomplished in Accordance With Previous Service Information

(k) Inspections and corrective actions done before the effective date of this AD in accordance with Boeing Special Attention Service Bulletin 757–24–0106, Revision 4, dated January 4, 2008, are acceptable for compliance with the corresponding actions required by paragraph (j) of this AD.

(l) Inspections and corrective actions done before the effective date of this AD in accordance with the service information listed in Table 4 of this AD are acceptable for compliance with the corresponding actions required by paragraph (j) of this AD, provided that power feeder wire bundles W5784 and W5786 were inspected and all applicable correction actions were done.

TABLE 4—OTHER ACCEPTABLE SERVICE BULLETIN REVISIONS FOR PARAGRAPH (J) OF THIS AD

Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–24–0106	Original	September 30, 2004.
757–24–0106	1	June 23, 2005.
757–24–0106	2	April 20, 2006.
757–24–0106	3	October 3, 2006.

(m) Inspections and corrective actions done before the effective date of this AD in accordance with the service information listed in Table 5 of this AD are acceptable for compliance with the corresponding actions required by paragraph (g) of this AD.

TABLE 5—OTHER ACCEPTABLE SERVICE BULLETIN REVISIONS FOR PARAGRAPH (G) OF THIS AD

Boeing Special Attention Service Bulletin—	Revision—	Dated—
757–24–0106	3	October 3, 2006.
757–24–0106	4	January 4, 2008.

Special Flight Permit

(n) Special flight permits may be issued in accordance with §§ 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 requirements of this AD can be accomplished, provided that the generator served by the power feeder wire bundles specified in paragraph (g) or (j) of this AD, as applicable, is disconnected.

Alternative Methods of Compliance (AMOCs)

(o)(1) The Manager, Seattle Aircraft Certification Office (ACO), 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: Philip Sheridan, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6441; fax (425) 917–6590. Information may be e-mailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) AMOCs approved previously in accordance with AD 2007–03–01, Amendment 39–14912, are approved as AMOCs for the corresponding provisions of paragraph (g) of this AD.

(3) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

Issued in Renton, Washington, on January 10, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–879 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[REG–146097–09]

RIN 1545–BJ01

Guidance on Reporting Interest Paid to Nonresident Aliens; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to a notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains corrections to a notice of proposed rulemaking and notice of public hearing (REG–146097–09) that was published in the **Federal Register** on Friday, January 7, 2011 (76 FR 1105) providing guidance on the reporting requirements for interest on deposits maintained at U.S. offices of certain financial institutions and paid to nonresident alien individuals.

FOR FURTHER INFORMATION CONTACT: Kathryn Holman, (202) 622–3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the subject of this document is under sections 6049 and 3406 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking and notice of public hearing (REG–146097–09) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG–146097–09), which was the subject of FR Doc. 2011–82, is corrected as follows:

1. On page 1105, column 3, in the preamble, under the caption **DATES:**, fourth line, the language "public hearing scheduled for April 28," is corrected to read "public hearing scheduled for April 27,".

2. On page 1107, column 2, in the preamble, under the paragraph heading "Comments and Public Hearing", fourth paragraph of the column, second line, the language "for April 28, 2011, beginning at 10 a.m." is corrected to read "for April 27, 2011, beginning at 10 a.m.".

LaNita Van Dyke,

Branch Chief, Publications and Regulations, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2011–829 Filed 1–14–11; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–131151–10]

RIN 1545–BJ89

Rewards and Awards for Information Relating to Violations of Internal Revenue Laws

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed regulation relating to the payment of rewards under section 7623(a) of the Internal Revenue Code and awards under section 7623(b). The guidance is necessary to clarify the definition of proceeds of amounts collected and collected proceeds under section 7623. This regulation provides needed guidance to the general public as well as officers and employees of the IRS who review claims under section 7623.

DATES: Written or electronic comments and requests for a public hearing must be received by April 18, 2011.

ADDRESSES: Send submissions to CC:PA:LPD:PR (REG–131151–10), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–131151–10), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS—REG–131151–10).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation, Kirsten N. Witter, at (202) 927–0900; concerning submissions of comments and requests for a public hearing, Richard A. Hurst at *Richard.A.Hurst@irscounsel.treas.gov*, or (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provision

Section 7623(a) provides the Secretary with the authority to pay such sums as he deems necessary from proceeds of amounts collected based on information provided to the Secretary when the information relates to the detection of underpayments of tax or the detection and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same. Section 7623(b) provides the Secretary with the authority to pay awards to individuals if the Secretary proceeds with an administrative or judicial action described in section 7623(a) that results in collected proceeds based on information provided by the individuals. Section 301.7623–1(a) currently provides that proceeds of amounts (other than interest) collected by reason of the information provided include both amounts collected because of the information provided and amounts collected prior to receipt of the information if the information leads to the denial of a claim for refund that otherwise would have been paid. 63 FR 44777.

Section 301.7623–1(a) was promulgated prior to amendments of section 7623 as part of the Tax Relief and Health Care Act of 2006, division A, section 406, Public Law 109–432, 120 Stat. 2958. The amendments designated the existing section 7623 as section 7623(a). As originally enacted, section 7623 provided that rewards shall be paid "from the proceeds of amounts (other than interest) collected by reason of the information provided z5 * * * " The 2006 amendments to section 7623 struck the "other than interest" language. The amendments also added section 7623(b), which provides that in certain cases individuals shall receive an award of at least 15% but not more than 30% of the collected proceeds resulting from the action with which the Secretary proceeded based on information brought to the attention of the Secretary by the individual. The 2006 amendments to section 7623 also created the IRS Whistleblower Office, which is responsible for administering a whistleblower program within the IRS.

This regulation clarifies the definitions of proceeds of amounts collected and collected proceeds for purposes of section 7623 and that the provisions of Treas. Reg. § 301.7623–1(a) concerning refund prevention claims are applicable to claims under section 7623(a) and (b). In clarifying the definitions of proceeds of amounts collected and collected proceeds, this regulation provides that the reduction of an overpayment credit balance is also considered proceeds of amounts collected and collected proceeds under section 7623.

Special Analysis

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and, because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any electronic or written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. The Treasury Department and the IRS request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place of the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of this regulation is Kirsten N. Witter, Office of the Associate Chief Counsel (General Legal Services).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * * Section 301.7623–1 also issued under 26 U.S.C. 7623. * * *

Par. 2. Section 301.7623–1 is amended by revising the section heading, and paragraphs (a) and (g), to read as follows:

§ 301.7623–1 Rewards and awards for information relating to violations of internal revenue laws.

(a) *In general*—(1) *Rewards and awards.* When information that has been provided to the Internal Revenue Service results in the detection of underpayments of tax or the detection and bringing to trial and punishment persons guilty of violating the internal revenue laws or conniving at the same, the IRS may approve a reward under section 7623(a) in a suitable amount from the proceeds of amounts collected in cases when rewards are not otherwise provided by law, or shall determine an award under section 7623(b) from collected proceeds.

(2) *Proceeds of amounts collected and collected proceeds.* For purposes of section 7623 and this section, both proceeds of amounts collected and collected proceeds include: tax, penalties, interest, additions to tax, and additional amounts collected by reason of the information provided; amounts collected prior to receipt of the information if the information provided results in the denial of a claim for refund that otherwise would have been paid; and a reduction of an overpayment credit balance used to satisfy a tax liability incurred because of the information provided.

* * * * *

(g) *Effective/applicability date.* This section is applicable with respect to rewards paid after January 29, 1997, except the rules of paragraph (a) of this section apply with respect to rewards and awards paid after these regulations are published as final regulations in the **Federal Register**.

Heather C. Maloy,

(Acting) Deputy Commissioner for Services and Enforcement.

[FR Doc. 2011–928 Filed 1–14–11; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2010–1027; FRL–9253–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Infrastructure State Implementation Plan Requirement To Address Interstate Transport for the 2006 24-Hour PM2.5 NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve and, in the alternative, proposing to disapprove a State Implementation Plan (SIP) revision submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC) on September 16, 2009, as supplemented with a technical analysis submitted for parallel-processing by DNREC on December 9, 2010, to address significant contribution to nonattainment or interference with maintenance in another State with respect to the 2006 fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). EPA's rationale for proposing approval and, in the alternative, proposing disapproval of Delaware's September 16, 2009 SIP revision and its associated December 9, 2010 supplement is described in this proposal. Please note that today's proposed rulemaking action addresses only those portions of Delaware's September 16, 2009 submittal which pertain to significant contribution to nonattainment or interference with maintenance in another State requirements pursuant to the 2006 $PM_{2.5}$ NAAQS. EPA is not taking action at this time on any other portion of Delaware's September 16, 2009 submittal. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before February 17, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2010–1027 by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2010–1027, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2010–1027. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an anonymous access system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Ellen Wentworth, (215) 814–2034, or by e-mail at *wentworth.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever "we," "us," or "our" is used, we mean EPA. This section provides additional information by addressing the following:

I. What action is EPA taking?
II. What is the background for this action?
III. Description of the SIP Revision Submitted by the State of Delaware
IV. What is EPA's evaluation of the State's submittals?
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is proposing to approve and, in the alternative, proposing to disapprove a revision to the Delaware SIP submitted by DNREC on September 16, 2009, as supplemented with a technical analysis submitted by DNREC for parallel-processing on December 9, 2010, to satisfy the infrastructure SIP requirements relating to interstate transport in section 110(a)(2)(D)(i)(I) of the CAA with respect to the 2006 $PM_{2.5}$ NAAQS. The December 9, 2010 supplement to DNREC's September 16, 2009 revision consists of a technical analysis that provides detailed support for Delaware's position that it has satisfied the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 2006 $PM_{2.5}$ NAAQS. The December 9, 2010 supplement to the September 16, 2009 SIP revision was submitted to EPA by DNREC for parallel-processing with a request that it be considered by EPA in taking any rulemaking action on the September 16, 2009 SIP submission. Before EPA takes final action on DNREC's SIP revision to satisfy the infrastructure SIP requirements relating to interstate transport in section 110(a)(2)(D)(i)(I) of the CAA pursuant to the 2006 $PM_{2.5}$ NAAQS, DNREC will have completed conducting the public participation procedures required by section 110(a) of the CAA on the December 9, 2010 supplement to its September 16, 2009 SIP revision. Once those procedures are completed, DNREC will formally submit the technical analysis to EPA, along with all required administrative documentation, as a final supplement to the September 16, 2009 SIP revision. Delaware's December 9, 2010 request for parallel-processing of the technical analysis was done pursuant to the procedures of 40 CFR Part 51 Appendix v at section 2.3.

It should be noted that this proposed rulemaking action addresses only those portions of Delaware's September 16, 2009 submittal which address the 110(a)(2)(D)(i)(I) requirements relating to significant contribution to nonattainment or interference with maintenance in another State with respect to the 2006 $PM_{2.5}$ NAAQS. At this time, EPA is not taking action on any additional requirements of section 110(a)(2)(D)(i) or on any other portions of Delaware's September 16, 2009 submittal.

II. What is the background for this action?

On October 17, 2006 (71 FR 61144), EPA revised the 24-hour average $PM_{2.5}$ primary and secondary NAAQS from 65 micrograms per cubic meter ($\mu g/m^3$) to 35 $\mu g/m^3$ which became effective on December 18, 2006. Section 110(a)(1) of the CAA requires States to submit infrastructure SIP revisions to address a new or revised NAAQS within three years after promulgation of such standards, or within such shorter period as EPA may prescribe.[1] As provided by section 110(k)(2), within 12 months of a determination that a SIP submittal is complete under section 110(k)(1), the Administrator shall act on the plan. As authorized in section 110(k)(3) of the CAA, where portions of the State submittals are severable, EPA may propose to approve only those severable portions of the submittals that meet the requirements of the CAA. When the deficient provisions are not severable from all of the submitted provisions, EPA must propose disapproval of the submittals, consistent with section 110(k)(3) of the CAA.

Section 110(a)(2) lists the elements that such new infrastructure SIPs must address, as applicable, including section 110(a)(2)(D)(i), which pertains to interstate transport of certain emissions. On September 25, 2009, EPA issued its "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) NAAQS" (hereafter the 2009 Guidance). EPA developed the 2009 Guidance to inform States making submissions to meet the requirements of section 110, including 110(a)(2)(D)(i) for the revised 2006 24-hour $PM_{2.5}$ NAAQS due on September 16, 2009.

As identified in EPA's 2009 Guidance, the "good neighbor" provisions in section 110(a)(2)(D)(i) require each State

[1] The rule for the revised $PM_{2.5}$ NAAQS was signed by the Administrator and publically disseminated on September 21, 2006. Because EPA did not prescribe a shorter period for 110(a) infrastructure SIP submittals, these submittals for the 2006 24-hour NAAQS were due on September 21, 2009, three years from the September 21, 2006 signature date.

to submit a SIP that prohibits emissions that adversely affect another State in the ways contemplated in the statute. Section 110(a)(2)(D)(i) contains four distinct requirements related to the impacts of interstate transport. The SIP must prevent sources in the State from emitting pollutants in amounts which will: (1) Contribute significantly to nonattainment of the NAAQS in other States; (2) interfere with maintenance of the NAAQS in other States; (3) interfere with provisions to prevent significant deterioration of air quality in other States; or (4) interfere with efforts to protect visibility in other States.

In its 2009 Guidance, EPA indicated that SIP submissions from States pertaining to the "significant contribution" and "interfere with maintenance" requirements of section 110(a)(2)(D)(i) must contain adequate provisions to prohibit air pollutant emissions from within the State that contribute significantly to nonattainment or interfere with maintenance of the NAAQS in any other State. EPA further indicated that the State's submission must explain whether or not emissions from the State have this impact and, if so, address the impact. EPA stated that the State's conclusion must be supported by an adequate technical analysis. EPA recommended the various types of information that could be relevant to support the State SIP submission, such as information concerning emissions in the State, meteorological conditions in the State and the potentially impacted States, monitored ambient concentrations in the State, and air quality modeling. Furthermore, EPA indicated that States should address the "interfere with maintenance" requirement independently, which requires an evaluation of impacts on areas of other States that are meeting the 2006 24-hour $PM_{2.5}$ NAAQS, not merely areas designated nonattainment. Lastly, in the 2009 Guidance, EPA stated that States could not rely on the Clean Air Interstate Rule (CAIR) to comply with the CAA section 110(a)(2)(D)(i) requirements for the 2006 24-hour $PM_{2.5}$ NAAQS because CAIR does not address this NAAQS.

EPA promulgated CAIR on May 12, 2005 (*See* 70 FR 25162). The CAIR required States to reduce emissions of sulfur dioxide (SO_2), and nitrogen oxides (NO_X) that significantly contribute to, and interfere with maintenance of the 1997 NAAQS for $PM_{2.5}$ and/or ozone in any downwind State. The CAIR was intended to provide States covered by the rule with a mechanism to satisfy their CAA section 110(a)(2)(D)(i)(I) obligations to address significant contribution to downwind nonattainment and interference with maintenance in another State with respect to the 1997 ozone and $PM_{2.5}$ NAAQS. Many States adopted CAIR's provisions and submitted SIPs to EPA to demonstrate compliance with CAIR's requirements in satisfaction of their 110(a)(2)(D)(i)(I) obligations for those two criteria pollutants.

EPA was sued by a number of parties on various aspects of CAIR, and on July 11, 2008, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision to vacate and remand both CAIR and the associated CAIR Federal Implementation Plan (FIP) in their entirety. *North Carolina* v. *EPA,* 531 F.3d 836 (DC Cir. Jul. 11, 2008). However, in response to EPA's petition for rehearing, the Court issued an order remanding CAIR to EPA without vacating either CAIR or the CAIR FIPs. *North Carolina* v. *EPA,* 550 F.3d 1176 (DC Cir. Dec. 23, 2008). The Court thereby left CAIR in place in order to "temporarily preserve the environmental values covered by CAIR" until EPA replaces it with a rule consistent with the Court's opinion. *Id.* at 1178. The Court directed EPA to "remedy CAIR's flaws" consistent with its July 11, 2008, opinion, but declined to impose a schedule on EPA for completing that action. *Id.*

In order to address the judicial remand of CAIR, on August 2, 2010, EPA proposed a new rule to address interstate transport pursuant to section 110(a)(2)(D)(i)(I), the "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone" (hereafter the Transport Rule).[2] As part of the proposed Transport Rule, EPA specifically examined the section 110(a)(2)(D)(i)(I) requirement that emissions from sources in a State must not "significantly contribute to nonattainment" and "interfere with maintenance" of the 2006 24-hour $PM_{2.5}$ NAAQS by other States. The modeling performed by EPA for the proposed Transport Rule indicates that emissions from the State of Delaware significantly contribute to nonattainment or interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in another State. The Transport Rule Federal Implementation Plan, (hereafter the Transport Rule FIP), as proposed, thus covers the State of Delaware.

The State of Delaware had not expected to be subject to or covered by the proposed Transport Rule FIP. The State's expectation that it would not be covered was based on its periodic emission inventories (PEI) for $PM_{2.5}$ and three Delaware regulations that had been approved by EPA into the Delaware SIP to control $PM_{2.5}$ precursor emissions. On September 16, 2009, Delaware submitted a SIP revision to address the section 110(a)(2)(D)(i)(I) requirement that emissions from sources in a State must not "significantly contribute to nonattainment" and "interfere with maintenance" of the 2006 24-hour $PM_{2.5}$ NAAQS in another State. The State of Delaware's expectation was and is that EPA would approve that SIP revision.

On October 1, 2010, DNREC submitted timely, extensive comments to the rulemaking docket of the proposed Transport Rule FIP (*see* Docket ID No. EPA–HQ–OAR–2009–0491). These comments identify several errors and omissions which DNREC believes were made by EPA in the modeling and analyses performed for the proposed Transport Rule FIP with regard to the State of Delaware. It is DNREC's contention that once EPA fully considers its October 1, 2010 comments submitted on the proposed Transport Rule FIP, that EPA will conclude that the State of Delaware does not contribute to nonattainment and does not interfere with maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in another State. It is Delaware's position that its SIP approved rules in conjunction with applicable Federal rules achieve emission reductions in $PM_{2.5}$ precursors such that emissions from the State of Delaware neither significantly contribute to any other State's nonattainment of the 2006 $PM_{2.5}$ NAAQS nor interfere with the ability of any other State to attain the 2006 $PM_{2.5}$ NAAQS. Further, Delaware contends that existing Federal rules (not including CAIR) and State rules approved into its existing SIP, keep Delaware's emissions below the caps that EPA proposed to set for the State of Delaware in the proposed Transport Rule FIP. Both DNREC's comments on the proposed Transport Rule and its December 9, 2010 supplemental technical analysis include comprehensive documentation of the emissions of SO_2 and NO_x from Delaware's PEI, and a thorough explanation of the differences between the PEI and the emissions in the National Emissions Inventory (NEI) used by EPA in performing the modeling and analyses in support of the

[2] *See* "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Proposed Rule," 75 FR 45210 (August 2, 2010).

proposed Transport Rule. The DNREC contends that the State of Delaware should not be subject to and covered by the final Transport Rule FIP, and that EPA should approve its September 16, 2009 SIP submittal as supplemented by the technical analysis submitted on December 9, 2010.

III. Description of the SIP Revision Submitted by the State of Delaware

In order to meet the "three-years from promulgation due date" of September 16, 2009 for submittal of the infrastructure SIP elements required by section 110(a)(1) of the CAA for the 2006 $PM_{2.5}$ NAAQS promulgated on September 16, 2006; on September 16, 2009, the State of Delaware submitted a SIP revision to address the infrastructure requirements of section 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS. Because EPA's "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 24-Hour Fine Particle ($PM_{2.5}$) NAAQS" was not issued until September 25, 2009, DNREC contends it could not have met the September 16, 2009 statutory due date had it waited for EPA's guidance to prepare and submit its infrastructure SIPs for the 2006 $PM_{2.5}$ NAAQS. The DNREC makes the point that until the 2009 Guidance was issued, Delaware was not aware that a technical analysis was required to be part of a SIP submittal to satisfy section 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS. It is DNREC's contention that its October 1, 2010 comments submitted to EPA on the proposed Transport Rule (*see* Docket ID No. EPA–HQ–OAR–2009–0491) meet the 2009 Guidance's requirement for a technical analysis in support of its September 16, 2009 SIP submittal to satisfy section 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS. Despite this contention and in the best interests of the State of Delaware, DNREC submitted a supplement to its September 16, 2009 submittal dated December 9, 2010 which consists of a technical analysis to support the September 16, 2009 submittal. The DNREC's December 9, 2010 supplement uses the comments, data, and information submitted by Delaware on the proposed Transport Rule to form the basis of a technical analysis in support of its September 16, 2009 SIP revision to comply with EPA's September 25, 2009 Guidance. In its September 16, 2009 and December 9, 2010 submissions, DNREC indicates that the State of Delaware has complied with the section 110(a)(2)(D)(i)(I) requirements of the CAA, addressing interstate transport for the 2006 $PM_{2.5}$ NAAQS, through promulgation of:

A. 7 DE Admin. Code 1146, Electric Generating Unit Multi-Pollutant Regulation,

B. 7 DE Admin. Code 1142, Section 2, Control of NO_X Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries, and

C. 7 DE Admin. Code 1148, Control of Stationary Combustion Turbine Electric Generating Unit Emissions.

Each of the above regulations imposes a level of control based upon Best Available Control Technology (BACT), and significantly reduces emissions from Delaware's largest Electric Generating Units (EGUs), industrial boilers, and peaking units. These regulations have been approved by the EPA as revisions to Delaware's SIP.[3]

Both Delaware's entire September 16, 2009 SIP submittal and the entire December 9, 2010 supplement to the September 16, 2009 submittal are included in the rulemaking docket for today's proposed action (*see* Docket ID No. EPA–R03–OAR–2010–1027). As previously stated, it is Delaware's position that its SIP-approved rules in conjunction with applicable Federal rules (not including CAIR) achieve emission reductions in $PM_{2.5}$ precursors such that emissions from the State of Delaware neither significantly contribute to any other State's nonattainment of the 2006 $PM_{2.5}$ NAAQS nor interfere with the ability of any other State to attain the 2006 $PM_{2.5}$ NAAQS. Further, Delaware contends that these emission reductions keep Delaware's emissions below the caps EPA proposed to set for the State of Delaware in the proposed Transport Rule.

IV. What is EPA's evaluation of the State's submittals?

On September 16, 2009, the State of Delaware submitted a SIP revision to address the requirements of section 110(a)(1) and section 110(a)(2)(A)–(M) of the CAA, pursuant to the 2006 $PM_{2.5}$ NAAQS. EPA subsequently published a **Federal Register** notice on June 3, 2010 (75 FR 31340) proposing approval of certain elements, or portions thereof, of Delaware's SIP submittals for the 1997 8-hour ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS. At that time, EPA did not take any proposed action on any portion of Delaware's SIP submittals to address the section 110(a)(2)(D)(i)(I) requirements for the 1997 ozone or the 1997 and 2006 $PM_{2.5}$ NAAQS. Today's action is proposing approval and, in the alternative, proposing disapproval of that portion of Delaware's September 16, 2009 submittal, as supplemented on December 9, 2010, pertaining to the section 110(a)(2)(D)(i)(I) requirements relating to significant contribution to nonattainment or interference with maintenance with respect to the 2006 $PM_{2.5}$ NAAQS.

Delaware has determined that it has complied with the requirements of section 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS, through the promulgation of its SIP-approved regulations to reduce $PM_{2.5}$ precursor emissions of SO_2 and NO_X from EGUs, industrial boilers, and peaking units. Delaware started with the assumption that it did significantly impact downwind areas and moved forward and regulated NO_X and SO_2 emissions from its large EGU and industrial boilers including EGUs with small annual emissions, but high daily emissions (typically referred to as high energy demand day units) with BACT level controls. Because of this, Delaware believes it has clearly mitigated transport and has adequately addressed CAA section 110(a)(2)(D)(i)(I) requirements for the 2006 $PM_{2.5}$ NAAQS.

On August 2, 2010 (75 FR 45210), EPA proposed a Transport Rule FIP that would, if finalized as proposed, identify the emission reductions needed in 32 States in the eastern United States to prohibit air pollutant emissions from sources within a State from significantly contributing to nonattainment in or interfering with maintenance of the NAAQS in any other State. The proposed Transport Rule would replace CAIR and would address the section 110(a)(2)(D)(i)(I) requirements for the 2006 $PM_{2.5}$ NAAQS. The modeling and analyses conducted by EPA for the proposed Transport Rule FIP indicated that emissions from Delaware significantly contribute to nonattainment or interfere with maintenance of the 2006 $PM_{2.5}$ NAAQS in downwind areas. Therefore, Delaware is among those States identified in the proposed Transport Rule FIP as significantly contributing to nonattainment or interfering with

[3] Regulation 1146—Electric Generating Unit Multi-Pollutant Regulation. Final rule published August 28, 2008 (73 FR 50723), effective September 29, 2008. Regulation 1148—Control of Stationary Combustion Turbine Electric Generating Unit Emissions. Final rule published November 10, 2008 (73 FR 66554), effective December 10, 2008. Regulation 1142, Section 2—Control of Nitrogen Oxide Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries. Final rule published on June 4, 2010 (75 FR 31711), effective July 6, 2010. Correction notice done (for table) on June 10, 2010 (75 FR 32858). Note: Regulation 1142 was not referred to in DNREC's September 16, 2009 submittal as it was adopted by Delaware on October 14, 2009, effective November 11, 2009, and SIP approved on June 4, 2010. It is referred to in DNREC's December 9, 2010 supplemental submittal as another regulation imposing BACT level controls for PM2.5 precursors and SIP-approved by EPA.

maintenance in downwind States. EPA received significant comments on this rulemaking from the State of Delaware and others, and is in the process of reviewing those comments. As noted previously, DNREC submitted extensive comments and technical data to support its contention that the State of Delaware has been inappropriately named as a State that needs to be covered by the proposed Transport Rule FIP. EPA will be considering and responding to the comments submitted by Delaware on the proposed Transport Rule in the context of that rulemaking.

Delaware's December 9, 2010 supplemental technical analysis in support of its September 16, 2009 SIP revision includes information and data to support its assertion that the 2005 base year emission inventories that EPA used in its analysis of Delaware's contribution to downwind nonattainment and maintenance areas were flawed. Delaware asserts that the emissions inventories used by EPA were significantly higher than those Delaware submitted to EPA in its 2005 PEI. Delaware also asserts that EPA failed to consider emission reductions required by a number of Delaware rules that have been approved by EPA into the State SIP. In its supplemental technical analysis, Delaware contends, therefore, that EPA's projections of Delaware's 2012 emissions are inflated. If correct data had been used, Delaware asserts, the methodology used by EPA in the proposed Transport Rule FIP to identify States with emissions that significantly contribute to nonattainment or interfere with maintenance of the 2006 $PM_{2.5}$ NAAQS in other States would demonstrate that Delaware has no such emissions. The DNREC also contends that if correct data were used, EPA's 2012 base case EGU SO_2 emissions projections would be lower than the SO_2 budgets EPA proposed to establish for EGUs in Delaware in the proposed Transport Rule FIP. In addition, DNREC contends EPA's Integrated Planning Model (IPM) 2012 EGU NO_X emission projections for Delaware are less than the NO_X budgets EPA proposed to establish for Delaware in the proposed Transport Rule FIP. For these additional reasons, DNREC argues EPA should not have proposed to include Delaware in the proposed Transport Rule FIP and should not include Delaware in the final Transport Rule FIP.

As stated previously, DNREC's October 1, 2010 comments on the proposed Transport Rule FIP, including its documentation of the corrections that it contends should be made to the 2005 emission inventories and the 2012 projection inventories for all sectors of $PM_{2.5}$ precursors, are in the docket for that proposed rulemaking (*see* Docket ID No. EPA–HQ–OAR–2009–0491) and form the basis for Delaware's conclusion that it should not be among the States covered by the final Transport Rule FIP. Copies of Delaware's September 16, 2009 SIP submittal and the entire technical analysis submitted by DNREC as a supplement to that SIP on December 9, 2010 are included in the docket for this proposed rulemaking (*see* Docket ID No. EPA–R03–OAR–2010–1027). That technical analysis also includes Delaware's documentation of the corrections that it contends should be made to the 2005 emission inventories and the 2012 projection inventories for all sectors of $PM_{2.5}$ precursors in support of its conclusion that it should not be among the States covered by the final Transport Rule FIP and that its September 16, 2009 SIP revision, as supplemented on December 9, 2010, should be approved as satisfying the section 110(a)(2)(D)(i)(I) infrastructure SIP requirement for the 2006 $PM_{2.5}$ NAAQS.

EPA is considering the comments it received on the August 2, 2010 proposed Transport Rule FIP including those from the State of Delaware. EPA is in the process performing additional modeling and making technical adjustments to its analyses pursuant to the comments received before promulgating the final Transport Rule FIP. Final determinations regarding which States are covered by the Transport Rule FIP and what reductions are necessary in the covered States will be made in the final Transport Rule FIP. Today's rulemaking proposes to approve and, in the alternative, proposes to disapprove Delaware's September 16, 2009 SIP submittal as supplemented on December 9, 2010. The final action on this SIP revision will take into consideration the results of the additional modeling performed and technical adjustments made by EPA pursuant to the comments received on the proposed Transport Rule FIP. Should EPA's updated modeling and the technical adjustments to our analyses lead us to conclude that the State of Delaware should not be subject to or covered by the final Transport Rule FIP, it is our intention to take final action to approve Delaware's September 16, 2009 SIP as supplemented on December 9, 2010. Should EPA's updated modeling and technical adjustments to our analyses for the Transport Rule lead us to conclude that even after consideration of all comments submitted by DNREC, the State of Delaware significantly contributes to nonattainment or interferes with maintenance of the 2006 $PM_{2.5}$ NAAQS in any other State, it is EPA's intention to disapprove the September 16, 2009 SIP as supplemented on December 9, 2010.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. Comments may be submitted as explained in the **ADDRESSES** portion of this proposed rulemaking notice.

V. Proposed Action

EPA is proposing to approve and, in the alternative, proposing to disapprove the portion of Delaware's SIP revision submitted on September 16, 2009 as supplemented on December 9, 2010 pursuant to the section 110(a)(2)(D)(i)(I) requirements for the 2006 $PM_{2.5}$ NAAQS. The December 9, 2010 supplemental submittal is being considered under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the State's procedures for amending its SIP. The final rulemaking action by EPA will occur only after the SIP revision supplement has been formally submitted to EPA for incorporation into the SIP.

As stated previously, if in the course of reviewing and preparing responses to the comments submitted on the proposed Transport Rule including those from DNREC, EPA's additional modeling and the adjustments made to its technical analyses indicate that the State of Delaware should not be subject to or covered by the final Transport Rule FIP, it is EPA's intention to take final action to approve DNREC's September 16, 2009 SIP submission for infrastructure element 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS as supplemented on December 9, 2010. Alternatively, if in the course of reviewing and preparing responses to the comments submitted on the proposed Transport Rule including those from DNREC, EPA's additional modeling and the adjustments made to its technical analyses indicate that Delaware should be subject to and covered by the final Transport Rule FIP, it is EPA's intention to take final action to disapprove Delaware's September 16, 2009 SIP submission for infrastructure element 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS as supplemented on December 9, 2010. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

Under section 179(a) of the CAA, final disapproval of a submittal that

addresses a requirement of a part D plan (42 U.S.C.A. sections 7501–7515) or is required in response to a finding of substantial inadequacy as described in section 7410(k)(5) (SIP call) starts a sanctions clock. The provisions in the submittal were not submitted to meet either of those requirements. Therefore, any final EPA action to disapprove Delaware's September 16, 2009 section 110(a)(2)(D)(i)(I) submittal and the accompanying technical analysis, would not trigger any sanctions.

Any full or partial disapproval of a SIP revision triggers the requirement under section 110(c) that EPA promulgate a FIP no later than 2 years from the date of the disapproval unless the State corrects the deficiency, and the Administrator approves the plan or plan revision before the Administrator promulgates such FIP. If EPA were to conclude that the Delaware SIP revision discussed in this notice should be disapproved, the Transport Rule, when final, would be the FIP that EPA would intend to implement for the State.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to act on State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law.

A. Executive Order 12866, Regulatory Planning and Review

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

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this proposed action under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new information collection burdens but simply proposes to approve and, in the alternative, proposes to disapprove certain State requirements for inclusion into the SIP. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. After considering the economic impacts of today's proposed rule on small entities, I certify that this proposed action will not have a significant impact on a substantial number of small entities. This proposed rule does not impose any requirements or create impacts on small entities. This proposed action under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new requirements but simply proposes to approve and, in the alternative, proposes to disapprove certain State requirements for inclusion into the SIP. Accordingly, it affords no opportunity for EPA to fashion for small entities less burdensome compliance or reporting requirements or timetables or exemptions from all or part of the rule. The fact that the CAA prescribes that various consequences (*e.g.,* higher offset requirements) may or will flow from this proposed action does not mean that EPA either can or must conduct a regulatory flexibility analysis for this action. Therefore, this proposed action will not have a significant economic impact on a substantial number of small entities. We continue to be interested in the potential impacts of this proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This proposed action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or Tribal governments or the private sector. EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or Tribal governments in the aggregate, or to the private sector. This action proposes to approve and, in the alternative, proposes to disapprove pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, result from this action.

E. Executive Order 13132, Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications." "Policies that have Federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This proposed 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 Executive Order 13132, because it merely proposes to approve and, in the alternative, proposes to disapprove certain State requirements for inclusion into the SIP and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this proposed action.

F. Executive Order 13175, Coordination With Indian Tribal Governments

This proposed action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP EPA is proposing to approve and, in the alternative, proposing to disapprove would not apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 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 Executive Order has the potential to influence the

regulation. This proposed action is not subject to Executive Order 13045 because it is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997). This proposed action under section 110 and subchapter I, part D of the CAA will not in-and-of itself create any new regulations but simply proposes to approve and, in the alternative, proposes to disapprove certain State requirements for inclusion into the SIP.

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

This proposed action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 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, section 12(d) (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. EPA believes that this proposed action is not subject to the requirements of Section 12(d) of NTTAA because application of those requirements would be inconsistent with the CAA.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA lacks the discretionary authority to address environmental justice in this proposed action. In reviewing SIP submissions, EPA's role is to approve or disapprove State choices, based on the criteria of the CAA. Accordingly, this proposed action on Delaware's September 16, 2009 SIP submission, as supplemented on December 9, 2010, to address 110(a)(2)(D)(i)(I) for the 2006 $PM_{2.5}$ NAAQS merely proposes to approve and, in the alternative, proposes to disapprove certain State requirements for inclusion into the SIP under section 110 and subchapter I, part D of the CAA and will not in-and-of itself create any new requirements. Accordingly, it does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: January 6, 2011.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2011–907 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2010–0881; FRL–9252–1]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of 8-hour Ozone Standard and Related Reference Conditions, and Update of Appendices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of adding the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.075 parts per million (ppm), related reference conditions, and updating the list of appendices under "Documents Incorporated by Reference." In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by February 17, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2010–0881 by one of the following methods:

A. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail: powers.marilyn@epa.gov.*

C. *Mail:* EPA–R03–OAR–2010–0881, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2010–0881. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you

submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by e-mail at *shandruk.irene@epa.gov*.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of 8-hour Ozone Standard and Related Reference Conditions, and Update of Appendices," that is located in the "*Rules and Regulations*" section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: December 22, 2010.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2011–489 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2002–0051; EPA–HQ–OAR–2007–0877; FRL–9253–5]

RIN 2060–AQ59

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is taking action on amendments to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Standards of Performance (NSPS) for Portland Cement Plants. The final rules were published on September 9, 2010. This action amends certain text in the final rules to clarify compliance dates and to restore the previously issued emission limits that we changed in the September 9, 2010 action. We are also correcting two minor typographical errors.

DATES: Comments must be received on or before February 17, 2011. If any one contacts EPA by February 2, 2011 requesting to speak at a public hearing, EPA will hold a public hearing on February 7, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2002–0051, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center (6102T), National Emission Standards for Hazardous Air Pollutant From the Portland Cement Manufacturing Industry Docket, Docket ID No. EPA–HQ–OAR–2002–0051, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Attn:* Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.
- *Hand Delivery:* In person or by courier, deliver comments to: EPA Docket Center (6102T), Standards of Performance (NSPS) for Portland Cement Plants Docket, Docket ID No. EPA–HQ–OAR–2007–0877, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2002–0051. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry Docket, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to

4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Barnett, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Metals and Minerals Group (D243–02), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541–5605; fax number: (919) 541–5450; e-mail address: *barnett.keith@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Categories and entities potentially regulated by this proposed rule include:

Category	NAICS code [1]	Examples of regulated entities
Industry	327310	Portland cement plants.
Federal Government		Not affected.
State/local/Tribal government		Portland cement plants.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility would be regulated by this proposed action, you should examine the applicability criteria in 40 CFR 63.1340 (subpart LLL). If you have any questions regarding the applicability of this proposed action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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

Do not submit information containing CBI to EPA through *http://www.regulations.gov* or e-mail. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, NC 27711, Attention Docket ID No. EPA–HQ–OAR–2002–0051. 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.

C. Where can I get a copy of this document?

In addition to being available in the docket, an electronic copy of this proposed action is available on the Worldwide Web (WWW) through the Technology Transfer Network (TTN). Following signature, a copy of this proposed action will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control.

D. When and where would a public hearing occur?

If anyone contacts EPA requesting to speak at a public hearing by February 2, 2011, a public hearing will be held on February 7, 2011. To request a public hearing contact Ms. Virginia Hunt, EPA, Office of Air Quality Planning and Standards, Sector Policy and Programs Division, Metals and Minerals Group (D243–02), Research Triangle Park, NC 27711, telephone number 919–541–0832, e-mail address: *hunt.virginia@epa.gov* by the date specified above in the DATES section. Persons interested in presenting oral testimony or inquiring as to whether a public hearing is to be held should also contact Ms. Virginia Hunt at least 2 days in advance of the potential date of the public hearing.

If a public hearing is requested, it will be held at 10 a.m. at the EPA Headquarters, Ariel Rios Building, 12th Street and Pennsylvania Avenue, Washington, DC 20460 or at a nearby location.

II. Direct Final Rule

A direct final rule identical to the proposal is published in the Rules and Regulations section of today's **Federal Register**. We are taking direct final action on the proposed amendments because we view the amendments as noncontroversial and anticipate no significant adverse comments. We have explained our reasons for the amendments in the direct final rule. If no significant adverse comments are received, no further action will be taken on the proposal, and the direct final rule will become effective as provided in that action.

If we receive significant adverse comments, we will withdraw only those provisions on which we received those comments. We will publish a timely withdrawal in the **Federal Register** indicating which provisions will become effective and which provisions are being withdrawn. If part or the entire direct final rule in the Rules and Regulations section of today's **Federal Register** is withdrawn, all comments pertaining to those provisions will be addressed in a subsequent final rule based on the proposed amendments. We will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so at this time.

The regulatory text for the proposal is identical to that for the direct final rule published in the Rules and Regulations section of today's **Federal Register**. For further supplementary information, the detailed rationale for the proposal and the regulatory revisions, see the direct final rule published in a separate part of this **Federal Register**.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore, not subject to review by the Office of Management and Budget (OMB). (*See* 75 FR 55029–30) This action is a correction to certain text in the final rules and is not a "major rule" as defined by 5 U.S.C. 804(2). However, the final rules promulgated on September 9, 2010 were reviewed by OMB.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. This action adds clarifications and corrections to the final standards. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations (75 FR 54970, September 9, 2010) under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2060–0416 and 2060–0614. 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 rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impact of this rule on small entities, small entity is defined as: (1) A small business whose parent company has no more than 750 employees depending on the size definition for the affected NAICS code (as defined by Small Business Administration (SBA) regulations at 13 CFR 121.201); (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of this proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities because it does not add any additional regulatory requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (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.

This proposed 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. Thus, this proposed rule is not subject to the requirements of section 202 and 205 of the UMRA.

This action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action contains no requirements that apply to such governments, imposes no obligations upon them, and will not result in expenditures by them of $100 million or more in any one year or any disproportionate impacts on them.

E. Executive Order 13132: Federalism

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

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments. Thus, Executive Order 13132 does not apply to this proposed rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed action from State and local officials.

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

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000) EPA may not issue a regulation that has Tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by Tribal governments, or EPA consults with Tribal officials early in the process of developing the proposed regulation and develops a Tribal summary impact statement.

This proposed rule does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes, as specified in Executive Order 13175. The proposed rule imposes no new requirements on the one Tribally owned facility. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it is based solely on technology performance.

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

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 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 (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (*e.g.,* materials specifications, test methods, sampling

procedures, and business practices) that are developed or adopted by VCS bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This action does not involve changes to the technical standards related to test methods or monitoring methods; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272) do not apply.

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

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

EPA has determined that this proposed rule does not involve special consideration of environmental justice-related issues as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), because it does not change any regulatory requirements, it merely corrects and clarifies existing requirements.

List of Subjects in 40 CFR Parts 60 and 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, and Reporting and recordkeeping requirements.

Dated: January 10, 2011.

Lisa P. Jackson,

Administrator.

[FR Doc. 2011–765 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2009–0044; MO 92210–0–0009]

RIN 1018–AW86

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (Ambystoma californiense)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Revised proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the reopening of the comment period on our August 18, 2009, proposed designation of critical habitat for the Sonoma County Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) under the Endangered Species Act of 1973, as amended. We also announce revisions to the proposed critical habitat unit, as it was described in the proposed rule published in the **Federal Register** on August 18, 2009 (74 FR 41662), and announce the availability of the draft economic analysis for the revised proposed critical habitat designation and an amended required determinations section of the proposal. We are reopening the comment period for an additional 30 days to allow all interested parties an opportunity to comment simultaneously on the revised proposed critical habitat, the associated draft economic analysis, and the amended required determinations section. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule.

DATES: We will consider public comments received on or before February 17, 2011. Comments must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R8–ES–2009–0044.
- *U.S. mail or hand-delivery:* Public Comments Processing, *Attn:* FWS–R8–ES–2009–0044; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (*see* the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Susan Moore, Field Supervisor, or Karen Leyse, Listing Coordinator, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, CA 95825; telephone 916–414–6600; facsimile 916–414–6713. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We intend that any final action resulting from this revised proposed rule will be based on the best scientific data available and will be as accurate and as effective as possible. We will accept written comments and information during this reopened comment period on our amended proposed designation of critical habitat for the Sonoma County Distinct Population Segment of the California tiger salamander that was published in the **Federal Register** on August 18, 2009 (74 FR 41662), our draft economic analysis (DEA) of the proposed designation, and the amended required determinations provided in this document. We will consider information and recommendations from all interested parties.

Therefore, during this reopened comment period we request comments or information from the public, other concerned government agencies, the scientific community, industry, or other interested party on: (1) The proposed rule to designate critical habitat for the Sonoma County Distinct Population Segment (DPS) of the California tiger salamander that was published in the **Federal Register** on August 18, 2009 (74 FR 41662), the revisions to proposed critical habitat described herein (*see* Revisions to Proposed Critical Habitat section), and the DEA of the revised proposed designation; (2) the considered exclusion of critical habitat; and (3) the amended Required Determinations section provided in this document. We are particularly interested in comments concerning:

(1) The proposed critical habitat designation (which comprises a single critical habitat unit), as revised in this

notice (*see* the Revisions to Proposed Critical Habitat section, below).

(2) The reasons we should or should not designate the revised proposed habitat as "critical habitat" under section 4 of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*), including whether there are threats to the species from human activity, the degree to which such threats can be expected to increase due to designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.

(3) Specific information on:

(a) The amount and distribution of California tiger salamander habitat, including areas that provide habitat for the Sonoma County DPS of the California tiger salamander that we did not discuss in this revised proposed critical habitat rule;

(b) Areas within the geographical area occupied by the species at the time of listing that contain the physical and biological features essential to the conservation of the species which may require special management considerations or protection, that we should include in the designation and reason(s) why (*see* Primary Constituent Elements (PCEs) section of the revised proposed rule for further discussion); and

(c) Areas outside the geographical area occupied by the species at the time of listing that are essential for the conservation of the species, why the areas are essential, and whether they should be included in the designation.

(4) Additional information concerning the range, distribution, and population size of this species, including the locations of any additional populations of the Sonoma County DPS of the California tiger salamander that would help us further refine the boundaries of critical habitat.

(5) Information that may assist us in clarifying the primary constituent elements.

(6) Land-use designations and current or planned activities in the area proposed as critical habitat, as well as their possible effects on the revised proposed critical habitat.

(7) How the revised proposed critical habitat boundaries could be refined to more closely circumscribe the areas identified as containing the features essential to the species' conservation. In particular, we are interested in specific information on the southeasterly portion of the revised critical habitat that is east of Petaluma Hill Road and south of Martinez Drive, and that is delineated as a "no effect" area in Enclosure 1 (California Department of Fish and Game 2008) of the "Programmatic Biological Opinion for the U.S. Army Corps of Engineers Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California" (Corps File Number 223420N) (Service 2007). To date, there have been no known detections of the salamander in this area. However, satellite imagery of the area suggests that PCEs are present within the area. In addition, the area is contiguous with other portions of the revised proposed critical habitat where breeding salamanders have been located since the development of the Santa Rosa Plain Conservation Strategy (Conservation Strategy).

(8) Any probable economic, national security, or other impacts of designating particular areas as critical habitat, and, in particular, any impacts on small entities (*e.g.,* small businesses or small governments), and the benefits of including or excluding areas that exhibit these impacts.

(9) Whether any specific areas being proposed as critical habitat should be excluded under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any particular area outweigh the benefits of including that area under section 4(b)(2) of the Act. *See* the Areas Previously Considered For Exclusion Under Section 4(b)(2) of the Act section below and the Exclusions section of the proposed rule (74 FR 41662; August 18, 2009) for further discussion.

(10) Information on any Tribal lands that occur in areas being proposed as critical habitat, including whether these lands are held in fee or trust.

(11) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding or to better accommodate public concerns and comments.

(12) Information on any quantifiable economic costs or benefits of the proposed designation of critical habitat.

(13) Information on the extent to which the description of potential economic impacts in the DEA is complete and accurate.

If you submitted comments or information on the proposed rule (74 FR 41662; August 18, 2009) during the initial comment period from August 18, 2009, to October 19, 2009, please do not resubmit them. These comments are included in the public record for this rulemaking and we will fully consider them in the preparation of our final determination. Our final determination concerning the designation of critical habitat for the Sonoma County DPS of the California tiger salamander will take into consideration all written comments and any additional information we receive during both comment periods. On the basis of public comments, we may, during the development of our final determination, find that areas within the proposed critical habitat designation do not meet the definition of critical habitat, that some modifications to the described boundaries are appropriate, or that areas may or may not be appropriate for exclusion under section 4(b)(2) of the Act.

You may submit your comments and materials concerning this revised proposed rule, the DEA associated with this revised proposed critical habitat designation, and the amended required determinations by one of the methods listed in the **ADDRESSES** section.

If you submit a comment via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hard copy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hard copy comments on *http://www.regulations.gov.* Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation used to prepare this notice, will be available for public inspection at *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service (Service), Sacramento Fish and Wildlife Office (*see* the **FOR FURTHER INFORMATION CONTACT** section). You may obtain copies of the proposed designation of critical habitat (74 FR 41662) and the DEA on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2009–0044, or by mail from the Sacramento Fish and Wildlife Office (*see* the **FOR FURTHER INFORMATION CONTACT** section).

Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat in this revised proposed rule. Information on the taxonomy, distribution, life history, biology, and other information about the California tiger salamander is included in the Background section of the final rule to list the California tiger salamander as a threatened species,

published in the **Federal Register** on August 4, 2004 (69 FR 47212). Additional relevant information may be found in the final rules to list the Santa Barbara County DPS (65 FR 57242; September 21, 2000) and the Sonoma County DPS of the California tiger salamander (68 FR 13498; March 19, 2003); the proposed rules to designate critical habitat for the California tiger salamander in Santa Barbara County (69 FR 3064; January 22, 2004) and the Central population of the species' range (69 FR 48570; August 10, 2004); and the final rules to designate critical habitat for the California tiger salamander in Santa Barbara County (69 FR 68568; November 24, 2004) and the Central population (70 FR 49380; August 23, 2005). The information contained in the previous **Federal Register** documents was used in developing this revised proposed rule.

We now propose revisions to the proposed critical habitat unit for the Sonoma County DPS of the California tiger salamander (*see* Revisions to Proposed Critical Habitat section); accordingly, approximately 50,855 acres (ac) (20,580 hectares (ha)) in Sonoma County, California, meet the definition of critical habitat and comprise this single revised proposed critical habitat unit.

Previous Federal Actions

On August 4, 2004, we listed the Central California population of the California tiger salamander as a threatened DPS (69 FR 47211). At that time, we reclassified the California tiger salamander as threatened throughout its range, removing the Santa Barbara County and Sonoma County populations as separately listed DPSs (69 FR 47241).

On August 18, 2005, as a result of litigation regarding the August 4, 2004, final rule (69 FR 47211) on the reclassification of the California tiger salamander DPSs (*Center for Biological Diversity et al.* v. *United States Fish and Wildlife Service et al.* (Case No. C–04–4324–WHA (N.D. Cal. 2005))), the District Court of Northern California sustained the portion of the 2004 final rule pertaining to listing the Central California tiger salamander as threatened, with a special rule, and vacated the 2004 rule with regard to the Santa Barbara County and Sonoma County DPSs, reinstating their prior listing as endangered. We are making the necessary changes to the information included in the Code of Federal Regulations in the regulatory section of this rule, and we will finalize the changes in the final critical habitat for the Sonoma County DPS of the California tiger salamander.

With respect to critical habitat, on October 13, 2004, a complaint was filed in the U.S. District Court for the Northern District of California (*Center for Biological Diversity et al.* v. *U.S. Fish and Wildlife Service et al.* (Case No. C–04–4324–FMS (N.D. Cal. 2005))), which in part challenged the failure of designating critical habitat for the California tiger salamander in Sonoma County. On February 3, 2005, the District Court approved a settlement agreement that required the Service to submit a final determination on the proposed critical habitat designation for publication in the **Federal Register** on or before December 1, 2005. On August 2, 2005 (70 FR 44301), the Service published a proposed rule to designate approximately 74,223 ac (30,037 ha) of critical habitat, and on November 17, 2005, we published a revised proposed rule indicating we were considering approximately 21,298 ac for the final designation (70 FR 69717). In the 2005 revised proposed rule, we proposed critical habitat in areas within the range where, at that time, we had credible records of breeding, as reported by biologists that were permitted by the Service to survey for the salamander. On December 14, 2005, the Service published a final rule in the **Federal Register** (70 FR 74138), which identified four subunits of critical habitat, consisting of 17,418 ac (7,049 ha) located mostly west of the developed portions of Santa Rosa, Rohnert Park, and Cotati, in Sonoma County. Each one of the subunits represented a breeding center for the species. In the final rule, the Service excluded all proposed critical habitat, resulting in a designation of zero (0) acres of critical habitat.

On February 29, 2008, we received a notice of intent to sue from the Center for Biological Diversity that challenged the Service's final designation of critical habitat, claiming that it was not based on the best available scientific information. On May 5, 2009, the Court approved a stipulated settlement agreement where the Service agreed to publish a revised proposed rule within 90 days that encompassed the same geographic area as the August 2005 proposal. The proposed rule, published on August 18, 2009 (74 FR 41662), complies with the May 5, 2009, stipulated agreement.

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species that may require special management considerations or protection, and specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Revisions to Proposed Critical Habitat

In this notice, we are revising the proposed Unit 1 (Santa Rosa Plain Unit), as described in the August 2, 2005 (70 FR 44301), and August 18, 2009 (74 FR 41662), proposed rules. In the August 2, 2005, proposed critical habitat rule, we identified the historic and potential range of the species in Sonoma County, utilizing historic information and all known breeding and adult locality data available at that time. Subsequently, the November 17, 2005, proposed revised rule (70 FR 69717) limited the proposed critical habitat to areas containing essential physical and biological features that were located within 0.7 mile (mi) (1.1 kilometers (km)) of known breeding sites, thereby focusing the proposed critical habitat designation on providing sufficient breeding habitat and upland habitat to maintain and sustain existing salamanders in documented breeding sites. The November 2005 proposed revision did not include other areas within the Santa Rosa Plain that contained the essential physical and biological features. Based on the May 5, 2009, stipulated settlement described above, we published a proposed critical habitat rule on August 18, 2009 (74 FR 41662), that encompassed the same geographic areas as the original August 2, 2005, proposed rule (70 FR 44301).

The purpose of this revision to the proposed critical habitat is to better delineate the areas that contain the physical or biological features essential to the conservation of the species and that meet the definition of critical habitat for the California tiger salamander in Sonoma County. In general, this revision involves adjusting the boundaries of the proposed critical habitat Unit 1 to better reflect the occupied and potential range of the species as reflected in the Conservation Strategy mapping criteria (Conservation Strategy Team 2005a, Appendix E), that was developed subsequent to the

August 2, 2005, proposed rule (74 FR 41662). In addition, this revision considers recent documentation of adult salamanders with potential breeding habitat in additional areas within the proposed critical habitat, including the areas in the vicinity of Lichau Creek and Railroad Avenue (WRA Environmental Consultants 2005, pp. 3–8), and recent findings of California tiger salamanders at the Horn wetland mitigation bank (Monk 2010, pers. com.).

As a result of this revision, the area proposed for critical habitat in Unit 1 is 50,855 ac (20,580 ha), rather than the 74,223 ac (30,037 ha) identified in the August 18, 2009, proposed rule. The revised unit is now bordered on the west by the generalized eastern boundary of the 100-year Laguna de Santa Rosa floodplain, on the south by Pepper Road (northwest of Petaluma), on the east by the foothills of the Sonoma Mountains, and on the north by Windsor Creek. The northern boundary of the revised proposed critical habitat and the non-developed portions of the eastern boundary remain very close to the previously proposed boundaries. Other boundary adjustments are described below. A small addition to the southeastern edge of Unit 1 is within the geographic range occupied by the species at the time of listing and contains the physical or biological features essential to the conservation of the species. A revised map for the proposed critical habitat unit in Sonoma County is included in this notice.

The framers of the Conservation Strategy generally did not consider areas within the Federal Emergency Management Agency (FEMA) 100-year floodplain as areas suitable to support salamander breeding because seasonal pools within the 100-year floodplain are subject to flooding from perennial sources (such as the Laguna de Santa Rosa), and provide a high likelihood of supporting salamander predators in pools within the floodplain. In the Conservation Strategy, periodically flooded uplands within the 100-year floodplain may be considered salamander habitat if located near predator-free breeding pools (Conservation Strategy Team 2005a, Appendix E). Occurrence information from the California Natural Diversity Database (CNDDB) (2010) indicates that, despite intensive focus on the salamander within the Santa Rosa Plain, to date no occurrences have been identified within the 100-year floodplain. The fact that this species has not been located within the floodplain may be due to the lack of suitable upland habitat within the floodplain during the wet season (Conservation Strategy Team 2005b, Appendix L). The Service, therefore, has determined that most of the 100-year floodplain lacks the physical and biological features and is not essential for the conservation of the California tiger salamander.

To revise the proposed critical habitat boundary along the floodplain, we used a process that generalizes the floodplain boundary in order to smooth complex lines, removing the bulk of the floodplain from proposed critical habitat while retaining smaller areas along the eastern border of the floodplain. A segment of the 100-year floodplain that is located between the Stony Point Conservation Area (near Wilfred Avenue) and the Northwest Cotati Conservation Area (near Nahmens Road) is retained within the revised proposed critical habitat to reduce fragmentation of the northern and southern breeding concentrations within the unit by allowing for potential dispersal and genetic exchange. This retained segment is further bounded by Llano Road on the west and the western edge of the urban growth boundary of Cotati, California (near the northern terminus of Helman Lane), on the east.

Additionally, this revised proposed critical habitat unit no longer includes several areas of small remnant open parcels that occur between the eastern periphery of suburban Sebastopol and the western edge of the 100-year floodplain. We do not consider these areas essential for the conservation of the species because the undeveloped lands are small in size, are isolated from each other by development, are isolated by the 100-year floodplain and the Laguna de Santa Rosa from breeding habitat on the eastern side of the floodplain, are not known to be occupied, and do not contain the PCEs in the correct quantity and spatial arrangement to provide for the conservation of the species.

This revised proposed critical habitat designation no longer includes the urbanized centers of Santa Rosa, Bennett Valley, Rohnert Park, and Cotati. These urban centers consist almost exclusively of hardened, developed landscapes. The remnant natural habitat within these areas is limited to small, isolated parcels within a matrix of urban development. These areas have been removed in this revised proposal because developed areas (lands covered by buildings, pavement, and other structures) lack the physical or biological features essential to the conservation of the species according to section 3(5)(A) of the Act. We also do not consider the remnant natural habitat within these city centers as essential for the conservation of the salamander. However, areas on the periphery of urban areas remain within the revised proposed critical habitat boundary. The scale of the map we prepared under the parameters for publication within the Code of Federal Regulations is not sufficient to reflect the exclusion of developed lands, while retaining open lands that provide the features essential to the conservation of the species.

Any such developed lands that have been left inside critical habitat boundaries shown on the maps of this revised proposed rule are excluded by text and are not proposed for designation as critical habitat because they either do not contain the physical or biological features essential to the species or are not considered essential for the species. Therefore, when the critical habitat is finalized, a Federal action involving these undesignated lands would not trigger a section 7 consultation, nor, with respect to critical habitat, would it require an analysis to determine adverse modification in these undesignated areas, unless the specific action would affect the physical or biological features essential to the conservation of the species in the adjacent designated critical habitat.

In the southernmost region of the Santa Rosa Plain, the critical habitat unit boundary has been revised as follows. In the vicinity of Lichau Creek and Railroad Avenue, additional acreage reflects new information on the presence of salamander breeding within the area. The area south of Pepper Road, along both sides of U.S. Highway 101, is not included in the revised proposed critical habitat because we do not currently consider this area to be essential to the conservation of the species. This area has been fragmented by industrial and residential development and roadways, including the major north-south interstate highway, U.S. Highway 101. More than 20 percent of the open land generally south of Pepper Road and west of U.S. Highway 101 is delineated as 100-year floodplain for the Petaluma River. As discussed above, we generally do not consider lands within the 100-year floodplain to contain suitable breeding habitat for the salamander. Suitable upland habitat may also be lacking during the wet season (Conservation Strategy Team 2005b, Appendix L). The floodplain fragments the remaining undeveloped land in this area. Although there is an anecdotal report from the 1990s of a California tiger salamander observation along Rainsville Road, we are not aware of confirmed observations of the California tiger salamander within this area.

Areas Previously Considered for Exclusion Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

When considering the benefits of inclusion for an area, we consider the additional regulatory benefits that area would receive from the protection from adverse modification or destruction as a result of actions with a Federal nexus (activities conducted, funded, permitted, or authorized by Federal agencies), the educational benefits of mapping areas containing essential features that aid in the recovery of the listed species, and any benefits that may result from designation due to State or Federal laws that may apply to critical habitat.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation; the continuation, strengthening, or encouragement of partnerships; or implementation of a management plan.

In the December 14, 2005, final rule (70 FR 74138), we evaluated those lands determined to have essential features, in order to ascertain if any specific areas were appropriate for exemption or exclusion from critical habitat under sections 4(a)(3) and 4(b)(2) of the Act. On the basis of that evaluation, we determined that the benefits of excluding lands under appropriate management for the Sonoma County DPS of the California tiger salamander outweighed the benefits of their inclusion within critical habitat. Consequently, we excluded the entire proposed critical habitat for the Sonoma County DPS of the California tiger salamander under section 4(b)(2) of the Act, based in part on the expectation that the Conservation Strategy would be implemented. We determined that the Conservation Strategy would provide conservation benefits that would be superior to a critical habitat designation. We also determined that critical habitat designation might hinder the progress of the Conservation Strategy by discouraging the involvement of local jurisdictions and private landowners, without providing any counterbalancing, proactive conservation benefit. However, at that time, we acknowledged the potential for revisiting the critical habitat designation should changed circumstances occur, such as unsuccessful finalization or implementation of the Conservation Strategy.

The Conservation Strategy Implementation Plan has not been developed or implemented by local agencies during the period since the publication of the December 14, 2005, final critical habitat rule (70 FR 74138). Therefore, at this time, we do not believe that the Conservation Strategy provides a sufficient basis for exclusion of the unit from critical habitat designation. Any exclusion of critical habitat based on potential economic costs will be presented in the final rule.

We are not proposing to exclude any areas from critical habitat at this time. In the final rule, we may consider exclusion of all or some of the Federated Indians of Graton Rancheria of California's 254-ac (103-ha) parcel of Tribal trust land that currently overlaps with proposed critical habitat. This potential exclusion would occur under section 4(b)(2) of the Act and by taking into consideration Secretarial Order 3206 involving American Indian Tribal Rights, Federal–Tribal Trust Responsibilities, and the Endangered Species Act. However, the final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation.

Draft Economic Analysis

Section 4(b)(2) of the Act requires that we designate critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We prepared a DEA (IEC 2010) to identify and analyze the potential economic impacts associated with this revised proposed critical habitat for the Sonoma County DPS of the California tiger salamander.

The DEA (made available with the publication of this notice) estimates the foreseeable economic impacts of this revised proposed critical habitat (IEC 2010). The economic analysis presented in the DEA uses the historical record to inform its assessment of potential future impacts of critical habitat. The analysis forecasts both baseline and incremental impacts likely to occur after the revised proposed rule is finalized. The DEA identifies economic impacts to the following activities as a result of the designation of critical habitat for the Sonoma County DPS of the California tiger salamander: (1) Commercial and residential development, (2) transportation projects, and (3) utility and pipeline construction and maintenance activities. In addition, the DEA identifies potential economic impacts to agriculture and mitigation banks, but concludes that these activities are not likely to incur measurable economic impacts due to the designation of critical habitat. To provide an understanding of the potential economic impacts, this analysis determines the scope and scale of economic activities within the revised proposed critical habitat; identifies threats to California tiger salamander habitat associated with these economic activities; identifies conservation measures that may be implemented to avoid or minimize these threats; and to the extent feasible, quantifies the economic costs of these measures.

The DEA describes the economic impacts of all potential conservation efforts for the Sonoma County DPS of the California tiger salamander; some of these costs will likely be incurred regardless of whether we designate critical habitat. The economic impact of the revised proposed critical habitat designation is analyzed by comparing scenarios both "with critical habitat" and "without critical habitat." The "without critical habitat" scenario represents the baseline for the analysis, considering protections that are already in place for the species (such as protections under the Act and other Federal, State, and local regulations). The baseline, therefore, represents the costs incurred regardless of whether critical habitat is designated. The "with critical habitat" scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the critical habitat designation for the Sonoma County DPS of the California tiger salamander. In other words, the incremental costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we may consider in the final designation of critical habitat when evaluating the benefits of excluding particular areas under section 4(b)(2) of the Act. The analysis looks retrospectively at

baseline impacts incurred since the species was listed, and forecasts both baseline and incremental impacts likely to occur if we finalize the revised proposed critical habitat designation. For a further description of the methodology of the analysis, *see* Chapter 2, "Framework for the Analysis," of the DEA (IEC 2010).

The DEA provides estimated costs of the foreseeable potential economic impacts of the proposed critical habitat designation for the Sonoma County DPS of the California tiger salamander over the next 25 years, which was determined to be the appropriate period for analysis because limited planning information is available for most activities to forecast activity levels for projects beyond a 25-year timeframe. The DEA identifies potential incremental costs as a result of the proposed critical habitat designation; these are those costs attributed to critical habitat over and above those baseline costs attributed to listing.

The DEA considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the "opportunity costs" associated with the commitment of resources required to accomplish species and habitat protection. The DEA also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. The DEA measures lost economic efficiency associated with residential and commercial development and public projects and activities, such as economic impacts on agriculture and transportation projects, Federal lands, small entities, and the energy industry. Decision-makers can use this information to assess whether the effects of the critical habitat designation might unduly burden a particular group or economic sector.

Baseline economic impacts are those impacts that result from listing and other conservation efforts for the California tiger salamander. The DEA quantifies baseline costs due to the administrative cost of section 7 consultations. Additional baseline impacts stem from conservation measures applied to avoid jeopardy and take of California tiger salamanders as well as other conservation measures unrelated to the designation of critical habitat. Potential baseline impacts to development stem from two main sources: (1) Minimization and mitigation measures applied as part of the section 404 permit process pursuant to the Clean Water Act; and (2) measures taken to avoid jeopardy of the California tiger salamander as part of section 7 consultation. Mitigation requirements are defined by the Service in its Programmatic consultation with the Corps (Service 2007) and are considered baseline costs. Approximately 80 percent of future development projects are expected to require mitigation. Mitigation credits sold recently range from $100,000 to $130,000 per acre in this area.

The DEA revealed that all incremental impacts stem entirely from the administrative costs of section 7 consultation on commercial and residential development projects, and on transportation and utility activities. Significant uncertainty exists regarding whether the Service will require additional conservation measures specifically to avoid adverse modification of critical habitat in future section 7 consultations, and what such measures might entail. As a result, the analysis does not forecast incremental impacts due to such measures. The DEA estimates total potential incremental economic impacts in areas proposed as critical habitat over the next 25 years (2011 to 2035) to be approximately $465,000 ($39,900 annualized) in present value terms applying a 7 percent discount rate (IEC 2010, p. ES–4), and $685,000 ($39,300 annualized) in present value terms applying a 3 percent discount rate (IEC 2010, Appendix B). Impacts associated with section 7 consultations on development projects total $441,000 ($37,900 annualized), applying a 7 percent discount rate, and make up the largest portion of post-designation incremental impacts, accounting for 95 percent of the forecast incremental impacts. Incremental impacts to transportation represent the next largest source of incremental impacts, and total $22,500 (applying a 7 percent discount rate), which represents 5 percent of total incremental impacts. The present value administrative cost of impacts associated with utility activities is $1,290 (applying a 7 percent discount rate), and represents less than 1 percent of the overall incremental impacts.

The greatest incremental impacts are forecast to occur within the Santa Rosa Urban Growth Boundary (UGB) ($209,000 present value impacts discounted at 7 percent), and make up 45 percent of the overall incremental impacts. The second largest incremental impacts are predicted to occur within the Windsor UGB, with present value impacts at $136,000 (applying a 7 percent discount rate) comprising 29 percent of the overall incremental impacts. Incremental impacts to Petaluma, which are forecast to incur the least amount of incremental impacts, are estimated at $10,100 of present value impacts (discounted at 7 percent), and make up 2 percent of the overall incremental impacts. Only a small portion of the Petaluma UGB intersects with the revised proposed critical habitat. The DEA concerning the proposed critical habitat designation is available for review and comment (*see* **ADDRESSES** section).

Required Determinations—Amended

In our proposed rule published in the **Federal Register** on August 18, 2009 (74 FR 41662), we indicated that we would defer our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders became available in the DEA. We have now made use of the DEA to make these determinations. In this document, we affirm the information in our proposed rule concerning the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 12630 (Takings), the Paperwork Reduction Act, the National Environmental Policy Act, and the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951). However, based on the DEA, we are amending our required determinations concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and E.O. 13211 (Energy Supply, Distribution, or Use).

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) (5 U.S.C. 802(2))), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions), as described below. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Based on our DEA for the revised proposed critical habitat, we provide our analysis for determining

whether the revised proposed designation would result in a significant economic impact on a substantial number of small entities. Based on comments we receive during the public comment period, we may revise this determination as part of a final rulemaking.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. Private developers may be considered small entities if their annual income is not greater than $33.5 million. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's operations.

To determine if the revised proposed critical habitat for the Sonoma County DPS of the California tiger salamander would affect a substantial number of small entities, we consider the number of small entities affected by particular types of economic activities, such as residential and commercial development. In order to determine whether it is appropriate for our agency to certify that this rule would not have a significant economic impact on a substantial number of small entities, we considered each industry or category individually. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement; designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the Sonoma County DPS of the California tiger salamander is present, Federal agencies already are required to consult with us under section 7 of the Act on activities they fund, permit, or implement that may affect the species. Additionally, even in the absence of a Federal nexus, indirect incremental impacts may result if, for example, a city requests project modifications via the city's review under the California Environmental Quality Act (CEQA), due to the designation of critical habitat. If we finalize this proposed critical habitat designation, consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process on the Sonoma County DPS of the California tiger salamander, because it is listed as endangered under the Act.

In the DEA, we evaluate the potential economic effects on small business entities resulting from the implementation of conservation actions related to the revised proposed critical habitat for the Sonoma County DPS of the California tiger salamander. This analysis is based on the estimated incremental impacts associated with the proposed rulemaking as described in Chapters 2 through 4 of the DEA. The SBREFA analysis evaluates the potential for economic impacts related to several categories, including: (1) Residential and commercial development, (2) transportation activities, (3) utility activities, and (4) incremental administrative costs (IEC 2010, Appendix A). The DEA concludes that the proposed rulemaking may affect small entities (IEC 2010, Appendix A).

Incremental impacts from the administrative costs of section 7 consultations on critical habitat associated with residential and commercial development are expected for small entities. There are 1,911 businesses involved in development activities within Sonoma County and, of these, 1,896 are considered small businesses. Therefore, approximately 99 percent of all building construction companies in Sonoma County qualify as small entities. Because information on specific third parties that may be involved in future development consultations is lacking, the analysis conservatively assumes that all of the entities involved in future consultation efforts are small land subdivision companies. Because the DEA calculates impacts to small businesses at the County-wide scale, it likely overestimates the impacts associated with this revised proposed critical habitat, which only covers a portion of the County.

The DEA assumes annual revenues of up to $33.5 million per small entity, and annualized impacts may be borne by all small land subdivision companies. Annualized impacts to the construction industry ($6,630 applying a 7 percent discount rate) are estimated to be significantly less than the annual revenues that could be generated by a single small building construction entity. If all impacts are borne by one single small construction company, the estimated annualized impact would represent less than 0.1 percent of the maximum total annual revenues (IEC 2010, Appendix A). No other incremental impacts attributed to transportation or utility activities are expected to be borne by entities that meet the definition of small entities (IEC 2010, Appendix A). Please refer to the DEA of the proposed critical habitat designation for a more detailed discussion of potential economic impacts.

In summary, we have considered whether the revised proposed critical habitat would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the revised proposed critical habitat for the Sonoma County DPS of the California tiger salamander would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Executive Order 13211—Energy Supply, Distribution, or Use

Executive Order 13211 requires Federal agencies to prepare Statements of Energy Effects when undertaking certain actions. The Office of Management and Budget's guidance for implementing this Executive Order outlines nine outcomes that may constitute "a significant adverse effect" when compared to no regulatory action. As discussed in Chapter 4 and Appendix A, the DEA finds that none of these criteria are relevant to this analysis (IEC 2010, Appendix A). The DEA concludes that incremental impacts to utilities are limited to the administrative cost of intra-Service consultation associated with a habitat conservation plan (HCP), which does not involve third parties. Any other impacts are expected to occur as a result of the listing of the California tiger salamander, regardless of the designation of critical habitat. Therefore, the rule will not affect energy supply, distribution, or use. Designation of critical habitat is not expected to lead to any adverse outcomes (such as a reduction in electricity production or an increase in the cost of energy production or distribution), and a

Statement of Energy Effects is not required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951), E.O. 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

The Federated Indians of Graton Rancheria in California is the only Tribe that may be affected by this proposed revised critical habitat rule. Approximately 254 ac (103 ha) of Tribal lands could be designated. The Sacramento Fish and Wildlife Office has entered into discussion with the Tribe regarding the proposed revised designation in preparation of this revised rule. We will be contacting the Federated Indians of Graton Rancheria and requesting comments regarding the status of the California tiger salamander on lands under Tribal ownership and management.

References Cited

A complete list of all references we cited in the proposed rule and in this document is available on the Internet at *http://www.regulations.gov,* or by contacting the Sacramento Fish and Wildlife Office (*see* **FOR FURTHER INFORMATION CONTACT** section).

Author(s)

The primary authors of this notice are the staff members of the Sacramento Fish and Wildlife Office (*see* **FOR FURTHER INFORMATION CONTACT** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 74 FR 41662, August 18, 2009, as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. The entry for "Salamander, California tiger" under "AMPHIBIANS" in the List of Endangered and Threatened Wildlife at § 17.11(h) is revised to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
			AMPHIBIANS				
*	*	*	*	*	*		*
Salamander, California tiger.	*Ambystoma californiense.*	U.S.A. (CA)	U.S.A. (CA—Santa Barbara County).	E	677E, 702	17.95(d)	NA
Salamander, California tiger.	*Ambystoma californiense.*	U.S.A. (CA)	U.S.A. (CA—Central California).	T	744	17.95(d)	17.43(c)
Salamander, California tiger.	*Ambystoma californiense.*	U.S.A. (CA)	U.S.A. (CA—Sonoma County).	E	729E, 734	17.95(d)	NA
*	*	*	*	*	*		*

3. Critical habitat for the California tiger salamander (*Ambystoma californiense*) in Sonoma County at § 17.95(d) is proposed to be amended by revising the heading, paragraph (53)(i), and the map at paragraph (56) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(d) *Amphibians.*

* * * * *

California Tiger Salamander (*Ambystoma californiense*)

* * * * *

California Tiger Salamander (*Ambystoma californiense*) in Sonoma County

* * * * *

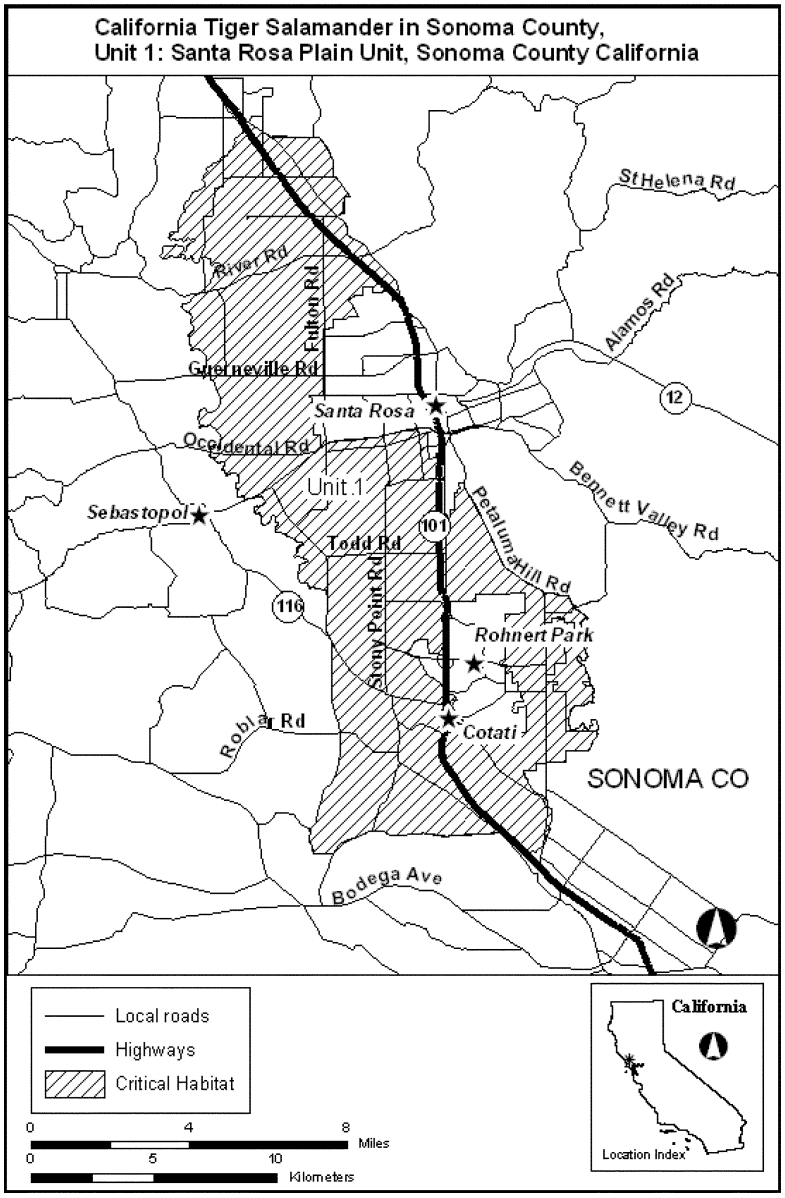
(53) * * *

(i) Standing bodies of fresh water (including natural and manmade (*e.g.,* stock)) ponds, vernal pools, and other ephemeral or permanent water bodies that typically support inundation during winter and early spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall.

* * * * *

(56) * * *

BILLING CODE 4310–55–P



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Dated: December 30, 2010.

Will Shafroth,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2011–843 Filed 1–14–11; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 110104009–1009–01]

RIN 0648–BA25

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to approve and implement changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC. This includes Tribal regulations and the sport fishery allocations and management measures for Area 2A. These actions are intended to enhance the conservation of Pacific halibut, to provide greater angler opportunity where available, and to protect overfished groundfish species from being incidentally caught in the halibut fisheries.

DATES: Comments on the proposed changes to the Plan and on the proposed domestic Area 2A halibut management

measures must be received no later than 5 p.m., local time on February 2, 2011.

ADDRESSES: Copies of the Plan and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) are available from William Stelle, Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE., Seattle, WA 98115–0070. Electronic copies of the Plan, including proposed changes for 2011 are also available at the NMFS Northwest Region Web site: *http://www.nwr.noaa.gov,* click on "Groundfish & Halibut" and then click on "Pacific Halibut".

You may submit comments, identified by 0648–BA25, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov.*
- *Fax:* 206–526–6736, Attn: Sarah Williams.
- *Mail:* 7600 Sand Point Way, NE., Seattle, WA 98115.

Instructions: No comments will be posted for public viewing until after the comment period has closed. 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.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Sarah Williams, 7600 Sand Point Way, NE., Seattle, WA 98115. By phone at 206–526–4646 or fax at 206–526–6736.

SUPPLEMENTARY INFORMATION: The Northern Pacific Halibut Act (Halibut Act) of 1982, at 16 U.S.C. 773c, gives the Secretary of Commerce (Secretary) general responsibility for implementing the provisions of the Halibut Convention between the United States and Canada (Halibut Convention). It requires the Secretary to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention and the Halibut Act. Section 773c of the Halibut Act authorizes the regional fishery management councils to develop regulations governing the Pacific halibut catch in their corresponding U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Each year between 1988 and 1995, the Pacific Fishery Management Council (Pacific Council) developed a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-treaty harvesters and among non-treaty commercial and sport fisheries in Area 2A.

In 1995, NMFS implemented the Pacific Council-recommended long-term Plan (60 FR 14651, March 20, 1995). In each of the intervening years between 1995 and the present, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries. The Plan allocates 35 percent of the Area 2A TAC to Washington treaty Indian Tribes in Subarea 2A–1 and 65 percent to non-Tribal fisheries in Area 2A.

The allocation to non-Tribal fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation and an incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53.30' N. lat.), Oregon, and California. North of 46°53.30' N. lat. (Pt. Chehalis), the Plan allows for incidental halibut retention in the primary limited entry longline sablefish fishery when the overall Area 2A TAC is above 900,000 lb (408.2 mt). The Plan also divides the sport fisheries into six geographic subareas, each with separate allocations, seasons, and bag limits.

The Area 2A TAC will be set by the IPHC at its annual meeting on January 25–28, 2011, in Victoria, B.C. Following the annual meeting the IPHC publishes the final TAC on their Web site and produces a news release. Through this proposed rule, NMFS requests public comments on the Pacific Council's recommended modifications to the Plan, codified regulations and the proposed domestic fishing regulations by February 2, 2011. This allows the public the opportunity to consider the final Area 2A TAC before submitting comments on the proposed rule. The States of Washington and Oregon will conduct public workshops shortly after the IPHC meeting to obtain input on the sport season dates. After the final Area 2A TAC is known and after NMFS reviews public comments and comments from the States, NMFS will issue a final rule for Areas 2A, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, Pacific halibut fisheries concurrent with its publication of the IPHC regulations for the 2011 Pacific halibut fisheries. A 15-day public comment period is necessary to incorporate the final U.S. domestic regulations into the IPHC regulations in order to have the combined regulations in place as close to March 1 as possible. The regulations need to be in effect in early March because under the 2010 regulations most commercial fishing seasons started on March 6, and this date may need to be changed by the 2011 regulations to be consistent with the IPHC's decisions at its annual meeting in January. This rule cannot be published earlier because the preliminary TAC amounts are announced at the IPHCs interim meeting which is scheduled for early December of each year. The 2011 commercial season starting date(s) need to be published soon after the IPHC meeting to notify the public of that date so the industry can plan for the season.

Combining the IPHC regulations with the domestic regulations for Washington, Oregon, California in the final rule is in the best interest of the public because it results in publication of all the halibut regulations in one **Federal Register** notice. 50 CFR section 300.63(b)(1) provides that NMFS will publish the annual sport fishing regulations for Area 2A in the **Federal Register**, so this notice is where the fishermen get their information. This reduces confusion for fishery participants because they only have to reference one document for all Pacific halibut regulations on the West Coast and in Alaska. Combining these regulations also eliminates errors that may occur from trying to separate the halibut regulations into two different rules. The separation could be confusing to the public because many of the IPHC regulations apply to all West Coast and Alaska Pacific halibut fisheries in the U.S. Therefore if the regulations were split between two different rule making processes it would require many U.S. fishermen to refer to two separate **Federal Register** notices for one fishery.

This proposed rule would also remove from the codified halibut regulations at 50 CFR 300.63 the coordinates and references for the 30 and 100 fathom depth contours and instead direct readers to the pacific coast groundfish regulations for these coordinates and references. The coordinates in the halibut regulations were intended to be the same as those in the groundfish regulations, but the groundfish regulations are updated

more regularly. This change reduces the possibility that there will be discrepancies between the descriptions of the depth contours in the halibut and groundfish regulations. In addition, this change will make it easier for participants in the fishery and law enforcement officers to access the definitions of the depth contours, as that information will be in one location in the regulations and many of the participants in the halibut fishery and enforcement officers also work with the groundfish regulations.

Incidental Halibut Retention in the Primary Sablefish Fishery North of Pt. Chehalis, Washington

Preliminary estimates of the 2011 Area 2A TAC are similar to the 2010 TAC. The preliminary IPHC TAC recommendation for area 2A is less than 900,000 lb (408.2 mt), which results in a Washington sport allocation that is less than 214,110 lb (97.1 mt). According to the catch sharing plan, incidental halibut retention would not be allowed in the primary directed sablefish fishery north of Point Chehalis, WA, in 2011 under the current preliminary IPHC TAC recommendation. While the preliminary TAC recommendation for area 2A may change following the IPHC annual meeting, it is not anticipated that the TAC will change enough to allow for incidental halibut retention in the primary sablefish fishery.

Pacific Council Recommended Changes to the Plan and Domestic Fishing Regulations

Each year, the Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW) and the Tribes with treaty fishing rights for halibut consider whether changes to the Plan are needed or desired by their fishery participants. Fishery managers from the States hold public meetings before both the September and November Pacific Council meetings to get public input on revisions to the Plan. At the September 2010 Pacific Council meeting, ODFW recommended several changes to the Plan. WDFW and the Tribes did not recommend any changes to the Plan. Following the meeting, ODFW again reviewed their proposal with the public and drafted their recommended revisions for review and recommendation by the Pacific Council.

At its November 2–9, 2010 meeting in Costa Mesa, CA, the Pacific Council considered the results of State-sponsored workshops on the proposed changes to the Plan and codified regulations, and made its final recommendations for modifications to the Plan and to the implementing regulations. The following proposed changes include the Council's recommendations and one NMFS correction to its codified regulations:

1. In the Plan section (f)(1)(v), adjust the Oregon Central Coast subarea spring and summer fishery subquota percentages. For the spring fishery adjust the allocation from 69% to 67% of the subarea quota, for the summer fishery adjust the allocation from 23% to 25% of the subarea quota. The goal of these changes is to provide as many fishing days as possible during the summer season when participation is at its highest. The summer fishery was open only three days in 2010.

2. In the Plan section (e)(2), specify that the definitions of closed areas set forth in the groundfish regulations will apply to the non-Indian directed halibut commercial fishery.

3. In the Plan sections (e) and (f) update all references to groundfish regulation coordinates and direct readers to groundfish regulations for depth contour coordinates.

4. In the codified regulations at 50 CFR 300.63 in paragraph (e), replace the description of the groundfish RCA with specific reference to the closed areas and depth contours in the groundfish regulations.

5. In the codified regulations at 50 CFR 300.63 remove paragraphs (f) and (g), which list the coordinates for the 30-fm and 100-fm lines, and replace this information with references to the coordinates for the 30-fm and 100-fm lines in the groundfish regulations.

6. In the codified regulations at 50 CFR 300.63 update all references to the groundfish regulations to reflect changes made as a result of the groundfish regulation restructure occurring through the Trawl Individual Quota program.

7. In the codified regulations at 50 CFR 300.64 add "receipt and possession" to the list of management measures that treaty Indian fishers must comply with. This change is necessary to make the codified regulations consistent with the IPHC regulations. Receipt and possession management measures have not changed, this requirement was inadvertently removed from the codified regulations and this change corrects that error.

Proposed Changes to the Plan

NMFS is proposing to approve the Pacific Council recommendations and to implement the changes described above. A version of the Plan including these changes can be found at *http://www.nwr.noaa.gov/Groundfish-Halibut/Pacific-Halibut/Index.cfm.*

Proposed 2011 Sport Fishery Management Measures

NMFS is proposing sport fishery management measures that are necessary to implement the Plan in 2011. The annual domestic management measures are published each year through a final rule. For the 2010 fishing season the final rule was published on March 18, 2010, (75 FR 13024) and the following section numbers refer to sections within that final rule. The final 2011 TAC for Area 2A will be determined by the IPHC at its annual meeting on January 25–28, 2011, in Victoria, BC. Because the final 2011 TAC has not yet been determined, these proposed sport fishery management measures use the IPHC staff's preliminary 2011 Area 2A TAC recommendation of 860,000 lb (390.1 mt) which is higher than the 2010 TAC of 810,000 lb (367.4 mt). Where season dates are not indicated, those dates will be provided in the final rule, following determination of the 2011 TAC and consultation with the States and the public. In Section 8 of the annual domestic management measures, "Fishing Periods", paragraph (2) is proposed to read as follows:

(1) * * *

(2) Each fishing period in the Area 2A directed fishery shall begin at 0800 hours and terminate at 1800 hours local time on (*insert season dates*) unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. In Area 2A incidental catch of halibut in the primary sablefish fishery is not authorized in 2010.

(4) * * *

(5) * * *

In section 26 of the annual domestic management measures, "Sport Fishing for Halibut," paragraph 1(a)–(b) will be updated with 2011 total allowable catch limits in the final rule. In section 26 of the annual domestic management measures, "Sport Fishing for Halibut" paragraph (8) is proposed to read as follows:

(8) * * *

(a) The area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N. lat., 124°23.70′ W. long., north to 48°24.10′ N. lat., 124°23.70′ W. long., is not managed in-season relative to its quota. This area is managed by setting

a season that is projected to result in a catch of 54,348 lb (24.6 mt).

(i) The fishing season in eastern Puget Sound (east of 123°49.50′ W. long., Low Point) is (*insert season dates*), and the fishing season in western Puget Sound (west of 123°49.50′ W. long., Low Point) is (*insert season dates*), 5 days a week (Thursday through Monday).

(ii) The daily bag limit is one halibut of any size per day per person.

(b) The quota for landings into ports in the area off the north Washington coast, west of the line described in paragraph (2)(a) of section 26 and north of the Queets River (47°31.70′ N. lat.), is 104,985 lb (47.6 mt).

(i) The fishing seasons are:

(A) Commencing on May 12 and continuing 2 days a week (Thursday and Saturday) until 104,985 lb (47.6 mt) are estimated to have been taken and the season is closed by the Commission or until May 29.

(B) If sufficient quota remains the fishery will reopen on June 2 in the entire north coast subarea, continuing 2 days per week (Thursday and Saturday) until there is not sufficient quota for another full day of fishing and the area is closed by the Commission. When there is insufficient quota remaining to reopen the entire north coast subarea for another day, then the nearshore areas described below will reopen for 2 days per week (Thursday and Saturday), until the overall quota of 104,985 lb (47.6 mt) is estimated to have been taken and the area is closed by the Commission, or until September 30, whichever is earlier. After May 29, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 29 unless the date is announced on the NMFS hotline. The nearshore areas for Washington's North Coast fishery are defined as follows:

(*1*) WDFW Marine Catch Area 4B, which is all waters west of the Sekiu River mouth, as defined by a line extending from 48°17.30′ N. lat., 124°23.70′ W. long., north to 48°24.10′ N. lat., 124°23.70′ W. long., to the Bonilla-Tatoosh line, as defined by a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73′ N. lat., 124°43.00′ W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62′ N. lat., 124°43.55′ W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(*2*) Shoreward of the recreational halibut 30-fm boundary line, a modified line approximating the 30-fm depth contour from the Bonilla-Tatoosh line south to the Queets River. The 30-fm depth contour is defined in groundfish regulations at 50 CFR 660.71(e).

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at § 660.70(a).

(c) The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N. lat.) and Leadbetter Point, WA (46°38.17′ N. lat.), is 39,694 lb (18 mt).

(i) This subarea is divided between the all-waters fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N. lat. south to 46°58.00′ N. lat. and east of a boundary line approximating the 30 fm depth contour. This area is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates (the Washington South coast, northern nearshore area):

(1) 47°31.70′ N.lat., 124°37.03′ W. long.;

(2) 47°25.67′ N. lat., 124°34.79′ W. long.;

(3) 47°12.82′ N. lat., 124°29.12′ W. long.;

(4) 46°58.00′ N. lat., 124°24.24′ W. long.

The south coast subarea quota will be allocated as follows: 37,694 lb (17.09 mt) for the primary fishery and 2,000 lb (0.9 mt) for the nearshore fishery. The primary fishery commences on May 1 and continues 2 days a week (Sunday and Tuesday) until May 17. Beginning on May 22 the primary fishery will be open 1 day per week (Sunday). Beginning on May 29 the primary fishery will be open 2 days per week (Sunday and Tuesday) until the quota for the south coast subarea primary fishery is taken and the season is closed by the Commission, or until September 30, whichever is earlier. The fishing season in the nearshore area commences on May 1 and continues seven days per week. Subsequent to closure of the primary fishery the nearshore fishery is open seven days per week, until 39,694 lb (18 mt) is projected to be taken by the two fisheries combined and the fishery is closed by the Commission or September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Seaward of the boundary line approximating the 30-fm depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360, Subpart G.

(iv) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA and Westport Offshore YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA and Westport Offshore YRCA. A vessel fishing in the South Coast Recreational YRCA and/or Westport Offshore YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA and Westport Offshore YRCA with or without halibut on board. The South Coast Recreational YRCA and Westport Offshore YRCA are areas off the southern Washington coast established to protect yelloweye rockfish. The South Coast Recreational YRCA is defined at 50 CFR § 660.70(d). The Westport Offshore YRCA is defined at 50 CFR § 660.70(e).

(d) The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N. lat.) and Cape Falcon, OR (45°46.00′ N. lat.), is 14,227 lb (6.5 mt).

(i) The fishing season commences on May 5, and continues 3 days a week (Thursday, Friday and Saturday) until 9,959 lb (4.5 mt) are estimated to have been taken and the season is closed by the Commission or until July 16, whichever is earlier. The fishery will reopen on August 5 and continue 3 days a week (Friday through Sunday) until 4,268 lb (1.9 mt) have been taken and the season is closed by the Commission, or until September 30, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota

may be transferred in-season to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each State in proportion to its contribution.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Pacific Coast groundfish may not be taken and retained, possessed or landed, except sablefish and Pacific cod when allowed by Pacific Coast groundfish regulations, when halibut are on board the vessel.

(e) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.), is 163,027 lb (73.9 mt).

(i) The fishing seasons are:

(A) The first season (the "inside 40-fm" fishery) commences May 1 and continues 7 days a week through October 31, in the area shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon "inside 40-fm" fishery (13,042 lb (5.9 mt)) or any in-season revised subquota is estimated to have been taken and the season is closed by the Commission, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N. lat. and 42°40.50′ N. lat. is defined at § 660.71(k).

(B) The second season (spring season), which is for the "all-depth" fishery, is open on (*insert dates beginning with May 1*). The projected catch for this season is 109,228 lb (49.5 mt). If sufficient unharvested catch remains for additional fishing days, the season will re-open. Dependent on the amount of unharvested catch available, the potential season re-opening dates will be: (*insert dates no later than July 31*). If NMFS decides in-season to allow fishing on any of these re-opening dates, notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(C) If sufficient unharvested catch remains, the third season (summer season), which is for the "all-depth" fishery, will be open on (*insert dates beginning with August 5*) or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, totaling 149,985 lb (68 mt), are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. NMFS will announce on the NMFS hotline in July whether the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period (*insert date following establishment of season dates*). If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday and Saturday, beginning (*insert dates of next possible open period as established preseason*), and ending October 31. If after September 5, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday and Saturday, the fishery may re-open every Friday and Saturday, beginning September 9 and 10, and ending October 31. After September 5, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open and what the bag limit is.

(ii) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(iii) During days open to all-depth halibut fishing, no Pacific Coast groundfish may be taken and retained, possessed or landed, except sablefish and Pacific cod, when allowed by Pacific Coast groundfish regulations, if halibut are on board the vessel.

(iv) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(v) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not be in possession of any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at § 660.70(f).

(f) The area south of Humbug Mountain, Oregon (42°40.50′ N. lat.) and off the California coast is not managed in-season relative to its quota. This area is managed on a season that is projected to result in a catch of 5,316 lb (2.4 mt).

(i) The fishing season will commence on May 1 and continue 7 days a week until October 31.

(ii) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the International Pacific Halibut Commission (IPHC), the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) provides the Secretary of Commerce with the general responsibility to carry out the Convention between Canada and the United States for the management of Pacific halibut, including the authority to adopt regulations as may be necessary to carry out the purposes and objectives of the Convention and Halibut Act. This final rule is consistent with the Secretary of Commerce's authority under the Halibut Act.

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

NMFS has prepared an RIR/IRFA on the proposed changes to the Plan, the codified regulations and the annual domestic Area 2A halibut management measures. Copies of these documents are available from NMFS (*see* **ADDRESSES**). NMFS prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. The IRFA is available from NMFS (**SEE ADDRESSES**). A summary of the IRFA follows:

A fish-harvesting business is considered a "small" business by the Small Business Administration (SBA) if it has annual receipts not in excess of $4.0 million. For related fish-processing businesses, a small business is one that employs 500 or fewer persons. For wholesale businesses, a small business is one that employs not more than 100 people. For marinas and charter/party boats, a small business is one with annual receipts not in excess of $6.5

million. All of the businesses that would be affected by this action are considered small businesses under Small Business Administration guidance.

In 2010, 565 vessels were issued IPHC licenses to retain halibut. IPHC issues licenses for: The directed commercial fishery in Area 2A (192 licenses in 2010), including licenses issued to retain halibut caught incidentally in the primary sablefish fishery; incidental halibut caught in the salmon troll fishery (233 licenses in 2010); and the charterboat fleet (140 licenses in 2010). No vessel may participate in more than one of these three fisheries per year. Individual recreational anglers and private boats are the only sectors that are not required to have an IPHC license to retain halibut.

The IRFA analyzed the impacts of the changes to the Plan and regulations. For the 2011 fishing year the proposed changes to the Plan, which allocates the catch of Pacific halibut among users in Washington, Oregon and California, and the Federal regulations, would:

1. In Plan section (f)(1)(v), adjust the Oregon Central Coast subarea spring and summer fishery subquota percentages. For the spring fishery adjust the allocation from 69% to 67% of the subarea quota, for the summer fishery adjust the allocation from 23% to 25% of the subarea quota. The goal of these changes is to provide as many fishing days as possible during the summer season when participation is at its highest. The summer fishery was open only three days in 2010.

2. In Plan section (e)(2), specify that the definitions of closed areas set forth in the groundfish regulations will apply to the non-Indian directed halibut commercial fishery.

3. In Plan sections (e) and (f) update all references to groundfish regulation coordinates and direct readers to groundfish regulations for depth contour coordinates

4. In the codified regulations at 50 CFR 300.63 in paragraph (e), replace the description of the groundfish RCA with specific reference to the closed areas and depth contours in the groundfish regulations.

5. In the codified regulations at 50 CFR 300.63 remove paragraphs (f) and (g), which list the coordinates for the 30-fm and 100-fm lines, and replace this information with references to the coordinates for the 30-fm and 100-fm lines in the groundfish regulations.

6. In the codified regulations at 50 CFR 300.63 update all references to the groundfish regulations to reflect changes made as a result of the groundfish regulation restructure occurring through the Trawl Individual Quota program.

7. In the codified regulations at 50 CFR 300.64 add "receipt and possession" to the list of management measures that treaty Indian fishers must comply with. This change is necessary to make the codified regulations consistent with the IPHC regulations. Receipt and possession management measures have not changed, this requirement was inadvertently removed from the codified regulations and this change corrects that error.

Because there is no new analysis or information available, the RIR/IRFA relies on the analysis in the 2009 RIR, which used information from the Pacific Fishery Management Council's DEIS on the 2009–2010 Groundfish Biennial Harvest Specifications and Management Measures to make income impact projections of the TAC on coastal communities. Using available analysis from the DEIS, the 2009 RIR estimated that the 2008 combined economic impact of commercial, recreational, and Tribal fisheries generated about $8.8 million in income impacts to the coastal Tribal and non-Tribal communities. Income impacts are the amount of employee salaries and benefits, business owner (proprietor) income and property-related income (rents, dividends, interest, royalties, *etc* that result from commercial fishing and recreational expenditures). This 2008 estimate was based on a TAC of 1,220,000 lbs. For 2011, the TAC is projected to be 860,000 lbs or about 70 percent of the 2008 TAC. On a proportional basis, this decline would suggest that the income impacts for 2011 would be about $6.0 million. This projection assumes that prices are constant. However, this is not the case. According the Pacific States Marine Fisheries Commission PacFIN data reports (Report 307), the halibut prices have varied significantly by year: 2008–$3.57/lb, 2009–$2.72/lb, and through November 2010–$4.01 per lb. At $4.01 per lb, the projected ex-vessel value of the 2011 commercial Tribal (270,572 lbs) and non-Tribal (177,203 lbs) fishery is worth ex-vessel (payments to commercial fishermen) basis about $1.8 million. These ex-vessel price changes only affect the income estimates associated with commercial fishermen, and Tribal fishermen.

The changes to the Plan and regulations do not include any reporting or recordkeeping requirements. These changes will not duplicate, overlap or conflict with other laws or regulations. These changes to the Plan and annual domestic Area 2A halibut management measures are not expected to meet any of the RFA tests of having a "significant" economic impact on a "substantial number" of small entities because the changes will not affect overall allocations. They are designed to provide the best fishing opportunities within the overall TAC. Nonetheless, NMFS has prepared an IRFA. Through this proposed rule, NMFS requests comments on these conclusions.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian Tribes over shared Federal and Tribal fishery resources. Section 302(b)(5) of the Magnuson-Stevens Fishery Conservation and Management Act establishes a seat on the Pacific Council for a representative of an Indian Tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. Government formally recognizes that the 13 Washington Tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the Tribes' usual and accustomed (U and A) fishing areas (described at 50 CFR 300.64). Each of the treaty Tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, Tribal allocations and regulations, including the proposed changes to the Plan, have been developed in consultation with the affected Tribe(s) and, insofar as possible, with Tribal consensus.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, and Indian fisheries.

Dated: January 12, 2011.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for part 300 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*

2. In § 300.63, paragraphs (d)(1)(i), (d)(1)(ii), and (e), are revised to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

* * * * *

(d) * * *

(1) * * *

(i) The sport fishery under section 26 of the annual domestic management measures and IPHC regulations;

(ii) The commercial directed fishery for halibut during the fishing period(s) established in section 8 of the annual domestic management measures and IPHC regulations and/or the incidental retention of halibut during the primary sablefish fishery described at 50 CFR 660.231; or

* * * * *

(e) Area 2A Non-Treaty Commercial Fishery Closed Areas.

(1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10′ N. lat. Between the U.S./Canada border and 46°16′ N. lat., the eastern boundary of the RCA, is the shoreline. Between 46°16′ N. lat. and 43°00′ N. lat., the RCA is defined along an eastern boundary by a line approximating the 30-fm (55-m) depth contour. Coordinates for the 30-fm (55-m) boundary are listed at 50 CFR 660.71(e). Between 43°00′ N. lat. and 42°00′ N. lat., the RCA is defined along an eastern boundary by a line approximating the 20-fm (37-m) depth contour. Coordinates for the 20-fm (37-m) boundary are listed at 50 CFR 660.71(b). Between 42°00′ N. lat. and 40°10′ N. lat., the RCA is defined along an eastern boundary by the 20-fm (37-m) depth contour. Between the U.S./Canada border and 40°10′ N. lat., the RCA is defined along a western boundary approximating the 100-fm (183-m) depth contour. Coordinates for the 100-fm (183-m) boundary are listed at 50 CFR 660.73(a).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish fishery north of Pt. Chehalis, Washington, in Area 2a are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.230, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of the North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.70(b).

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR 660.330(10), fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.70(c), and in salmon regulations at 50 CFR 660.405.

4. In § 300.64, paragraph (d) is revised to read as follows:

§ 300.64 Fishing by U.S. treaty Indian Tribes.

* * * * *

(d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, receipt and possession and fishing gear (published pursuant to § 300.62), except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.

* * * * *

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Notices

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 12, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Grain Inspection, Packers & Stockyards Administration

Title: Regulations and Related Reporting and Recordkeeping Requirements—Packers and Stockyards Programs.

OMB Control Number: 0580–0015.

Summary of Collection: The Grain Inspection, Packers and Stockyards Administration (GIPSA) administers the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181–229.) and the regulations under the Act. The Act is designed to protect the financial interests of livestock and poultry producers engaged in commerce of livestock and live poultry sold for slaughter. It also protects members of the livestock and poultry marketing, processing, and merchandising industries from unfair competitive practices. GIPSA will collect information using several forms.

Need and Use of the Information: GIPSA will collect information to monitor and examine financial, competitive and trade practices in the livestock, meatpacking, and poultry industries. Also, the information will help assure that the regulated entities do not engage in unfair, unjustly discriminatory, or deceptive trade practices or anti-competitive behavior.

Description of Respondents: Business or other for-profit.

Number of Respondents: 18,684.

Frequency of Responses: Recordkeeping; Third party disclosure; *Reporting:* On occasion; Semi-annually; Annually.

Total Burden Hours: 318,630.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011–927 Filed 1–14–11; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Forest Service

Six Rivers National Forest, Mad River Ranger District, CA; Buck Mountain Vegetation and Fuel Management Project EIS

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Six Rivers National Forest (Six Rivers NF) will prepare an Environmental Impact Statement to disclose the impacts associated with the following proposed actions:

1. Fuel reduction would occur and be located along corridors primarily on strategically placed ridges, along highly traveled roads and within isolated stands near private property. Treatment would consist of thinning trees less than 8″ diameter breast-height (DBH) and removing brush within treatment areas. Commercial biomass would be a by-product of this treatment. Fuel treatments would augment on-going road brush treatment projects funded by the Community Wildfire Protection Plan (CWPP) located in the northwest corner of the project area.

2. All previously managed plantations would be treated, either with commercial thinning or timber stand improvements (TSI). Both treatments are designed to reduce stand density, decrease competition and improve growing space for residual trees. Commercially thinned plantations would consist of thinning trees greater than 8″ DBH. Plantations without a commercial saw-log component (TSI) would consist of thinning trees less than 8″ DBH and reducing brush. Commercial biomass would be a by-product of TSI treatments.

3. Off-site ponderosa pine plantations would be thinned to promote growth of naturally occurring tree species.

4. Douglas-fir/tanoak plantations would be thinned, and most of the planted pine within these plantations would be removed, while a portion of the hardwood component would be maintained.

5. Pure stands of Douglas-fir would be thinned to increase growing space for overstocked early seral stands. Stands that once contained a significant black oak component would be thinned to encourage black oak regeneration.

6. Douglas-fir and white fir stands with viable oak and pine would be thinned to reduce overall stand density, and trees that compete with healthy hardwoods and pines would be removed to increase their viability and promote their regeneration.

7. All treatments would maintain tree species mix of hardwoods and conifers.

DATES: Comments concerning the scope of the analysis must be received by March 3, 2011. The draft environmental impact statement is expected August 2011 and the final environmental impact statement is expected November 2011.

ADDRESSES: Send written comments to Buck Mountain Project Team, Mad River Ranger District, 741 State Highway 36, Bridgeville, CA 95526. Comments may also be sent via facsimile to (707) 574–6273. Electronic comments, in acceptable plain text (.txt), rich text (.rtf), or Word (.doc) may be submitted to *comments-pacificsouthwest-six-rivers-mad-river@fs.fed.us.* Please insure that "Buck Mountain Project" occurs in the subject line.

FOR FURTHER INFORMATION CONTACT: Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service is proposing the Buck Mountain Vegetation and Fuel Management Project to accelerate late-successional forest characteristics, reduce excessive fuel loading, and improve and restore forest ecosystem health. The Buck Mountain planning area encompasses approximately 14,396 acres, of which 10,058 acres are National Forest System (NFS) lands. The project would treat approximately 2,062 acres of NFS lands. Treatment would consist of: (1) Commercially harvesting timber stands under 130 years old, through thinning on approximately 613 acres of natural stands, 389 acres of plantations and 44 acres of oak restoration; (2) non-commercial timber stand improvement on 788 acres of previously managed stands; and (3) stand alone fuels treatments on 1,228 acres, primarily located along strategically located roads and ridge tops.

The proposed project would take place within the Upper Van Duzen watershed on NFS lands administered by the Mad River Ranger District in Humboldt County and Trinity County, California. The legal location includes portions of the following townships: Township 1 North, Range 5 East; Township 1 North, Range 6 East; Township 1 South, Range 6 East; and Township 1 South, Range 5 East, Humboldt Baseline and Meridian.

(1) The majority of the Buck Mountain Planning Area occurs within the Eel River Late-Successional Reserve (LSR). A Forest-wide Late Successional Reserve Assessment (LSRA, 1999) determined that this area of the LSR was deficient in late-successional habitat. Portions of the LSR were previously privately owned and heavily harvested. Extensive stands of plantations exist that do not provide suitable habitat for late successional species such as the northern spotted owl. The LSRA identified this area as needing density management and fuel reduction treatments to develop and protect late-successional habitat. Management opportunities exist in conifer stands that are in the tanoak, Douglas-fir and white fir series that are either old plantations or natural stands that are less than 130 years old. They are characterized generally as overstocked with high fuel loadings.

(2) The majority of the planning area occurs within the Wildland Urban Interface (WUI) areas for the communities of Mad River and Dinsmore as well as residences along the Van Duzen River in Trinity County and Humboldt County.

(3) Oak woodland communities historically comprised a much greater percentage of the landscape than today. In 1855 approximately 36% of the North Fork of the Eel River watershed, a component of LSR 307, was composed of oak woodland communities, and currently it is about 6%. Evidence within the Buck Mountain Planning Area suggests a similar decline in oak woodland communities. Oak communities have greater native grass and forbs species diversity than adjacent conifer forests and provide greater forage habitat for deer populations than adjacent vegetation communities. Additionally, grasses and forbs mature later in the summer beneath oak communities, which can extend the availability of forage and reduce the rate of spread of wildfire.

(4) The Van Duzen River Watershed Analysis (Van Duzen River WA, 1998) had determined that current road densities were too high within the Van Duzen watershed and the Eel River LSR. The LSR as a whole had been evaluated to have 3.1 miles of roads per square mile. Road density within the project area on Federal lands is even higher, at 3.6 miles per square mile. Reducing the road density within the project area would reduce sediment levels and benefit aquatic habitats. Decommissioning (should opportunities exist) would help accomplish this.

Management Areas

The Mad River Ranger District is managed under the Six Rivers National Forest Land Resource Management Plan (LRMP). The National Forest Service portion of the planning area has two management area allocations:

Management Area 8—Special Habitat (9,612 acres): The majority of the planning area consists of this management area. Special habitat within the planning area consists of the Eel River Late-Successional Reserve (LSR). This management area is intended to provide a core of relatively undisturbed habitat for plants and animals associated with mature and old growth forests. The management emphasis and goal is to protect and enhance late-successional habitat (LRMP, IV–34, 35).

Management Area 17—General Forest (446 acres): A small portion of the planning area is within this management area. General Forest includes forested land where commercial timber management is expected to occur. Examples of allowable silvicultural activities include timber harvest, reforestation, conifer release, pre-commercial thinning, and forest pest management. The primary goals are to produce a sustained yield of timber, contribute younger seral stages to the vegetation mosaic of the forest, and conserve key components of functional habitat for mature and old growth-associated species (LRMP IV–63).

Required Consultations

The LRMP requires consultation with potentially affected Native American Tribes as part of the Forest's Native American trust responsibilities. Consultation was initiated with the Bear River Band of Rohnerville Rancheria, the Table Bluff Reservation–Wiyot Tribes and the Round Valley Indian Tribes in the late fall of 2009. There were no concerns expressed. The Forest Tribal Relations Specialist will complete Tribal consultation beyond the initiation phase.

Consultation with the Regional Ecosystem Office (REO) is required because of the proposed cutting of trees greater than 20" DBH in this planning area. Early consultation has been initiated by the REO. The REO LSR working group agreed with the rationale for exceeding the 20" DBH cut limit, and a finalized formal exemption is pending. It would be granted prior to the issuance of the Record of Decision (ROD) once the LSR working group determined that implementing the project's silviculture prescriptions would meet the objectives of Late Successional Reserves under the Northwest Forest Plan.

The Endangered Species Act requires consultation with the United States Fish

and Wildlife Service (FWS) regarding any proposal that may affect a Federally listed threatened or endangered species. We will work closely with this agency through the Forest Level I wildlife biologist to fulfill consultation requirements for listed and proposed species.

The Endangered Species Act requires consultation with the United States National Marine Fisheries Service (NMFS) regarding any proposal that may affect a Federally listed threatened or endangered marine species. We will work closely with this agency through the fisheries biologist to fulfill consultation requirements for listed and proposed species.

The Clean Water Act requires Forest level consultation with the North Coast California Water Quality Control Board (NCCWQCB) to assure that basin plan standards for water quality are met by the proposal. This consultation will begin soon after preliminary Best Management Practices and project design features have been identified.

Late-Successional Reserve Management

Silvicultural prescriptions for the proposed treatment units in stands no older than 80 years conform to the criteria documented in the Forest-wide LSR Assessment. The Regional Ecosystem Office LSRA memorandum dated March 3, 2000 sanctioned proposed treatments of stands between 80 and 130 years old within LSRs on the Six Rivers NF, but it would require a non-significant Forest Plan amendment.

The REO acknowledged the case-by-case need to exceed the 20" DBH diameter cut limit requirement that would be needed to be met for the project to be exempt from further REO review. The proposal includes treatment of stands that would require the cutting of trees greater than 20" DBH to effectively meet LSR objectives. This proposal warranted consultation with the REO. A tentative verbal agreement has been issued allowing the proposal to proceed. A written memorandum sanctioning the proposal will be drafted once the preferred alternative is issued and issued before the ROD is signed.

Purpose and Need for Action

There is a need in the Buck Mountain Planning Area to manage vegetation and fuel in select conifer stands, oak woodlands and shrub fields for the purpose of achieving the following objectives:

- Accelerate the development of late-successional habitat characteristics in plantations and in early to mid-mature natural stands (up to 130 years old).
- Improve the health of conifer and oak woodland communities, increase their resiliency to wildfires and disease outbreaks, restore species diversity and reduce stand densities in overstocked stands.
- Minimize wildfire threat to local communities in strategic locations, along travel routes and near private residential property by reducing fuel buildup in stands in the WUI where stand conditions have high amounts of surface and ladder fuels.

In fulfilling the objectives listed above, there are opportunities to provide commodities in the form of timber, biomass, and fuelwood. All commercial activities and by-products would be incidental in achieving the desired outcomes stated in the purpose and need. There is also an opportunity to reduce open road densities in the planning area for watershed and late-successional habitat health.

Management Opportunities To Meet the Purpose and Need

To meet the purpose and need, the Six Rivers National Forest proposes to manage vegetation and treat fuel loadings on approximately 3,062 acres of National Forest System lands administered by the Mad River Ranger District. Potential treatment opportunities include the following:

- 1,046 acres of commercial harvest in plantations, natural stands up to 130 years old and oak woodlands. Silvicultural treatments would include commercial thinning, oak release, and thinning/sanitation cutting. Ground skidding, skyline cable, and helicopter logging methods may be employed, as dictated by cost efficiency and resource protection needs. Potential harvest yield is about 4.5 to 5.5 MMBF.

Activities associated with commercial harvesting include use of existing roads, skid trails, and landings, activity fuel treatments, and road maintenance/minor reconstruction along haul routes. New skid trails and landings would be needed in some areas to facilitate harvest activities. Harvest activity fuel treatments may involve a combination of mechanical techniques (biomass utilization, chipping, yarding tops, machine piling/burning), manual techniques (hand piling/burning and lop/scatter to 18" or less depth), and prescribed burning.

Approximately 6.0 miles of temporary road may be needed to perform these treatments. Approximately 3.8 miles would use existing road beds (old logging roads and illegal woodcutting roads). Approximately 2.2 miles would be newly constructed temporary roads. No new system road construction is anticipated. Temporary roads would be decommissioned after project completion.

- 788 acres of timber stand improvement (TSI) in plantations and young natural stands. Silvicultural treatments include non-commercial thinning and release and commercial biomass utilization. As with commercial harvesting, activity fuel treatments would also be prescribed.
- 46 acres of stand-alone fuel reduction in early to mid-mature seral natural stands. Prescribed treatments include small tree cutting, mastication, road-side chipping, prescribed fire, hand piling, biomass/fuelwood utilization, raking/windrowing, lop and scatter to 18" or less depth and machine piling.
- 1,182 acres of fuelbreak construction along strategic travel routes and ridges. Prescribed treatments within 300 feet on either side of selected roads, which are outside of commercial harvest, TSI, and stand-alone fuel reduction units, may include one or several of the following: Small tree cutting, mastication, roadside chipping, prescribed burning (underburning and jackpot burning), hand piling/burning, lop/scatter to 18" or less depth and machine piling.
- Hauling of commercial timber products on State Highway 36, County Roads 511 and 512 and Forest Service System roads within the planning area. Felling and removal, where appropriate, of hazard trees along haul routes.
- Decommissioning of non-essential existing roads outside of the proposed treatment areas may be included in the design of this project to reduce road density as part of the restoration of late-successional habitat and watershed conditions.

Proposed Action

Most of the project area is located within a LSR. Proposed fuel and harvest units were chosen based on criteria that would meet two objectives of LSRs: (1) Protecting existing and potential late-successional habitat from catastrophic loss due to wildfire or disease and/or bug outbreak from overstocked stand conditions, and (2) Accelerating development of late-successional habitat. The proposed action is designed to meet the project's purpose and need while satisfying the standards and guidelines of the LRMP. The Buck Mountain Vegetation and Fuel Management Project would treat vegetation in the following ways:

- Fuel reduction would be located along corridors primarily on strategically placed ridges, along highly traveled roads and within isolated

stands near private property. Treatment would consist of thinning trees less than 8″ DBH and removing brush within treatment areas. Commercial biomass would be a by-product of this treatment. Fuel treatments would augment on-going road brush treatment projects funded by the Community Wildfire Protection Plan (CWPP) located in the northwest corner of the project area.

• All previously managed plantations would be treated, either with commercial thinning or timber stand improvements (TSI). Both treatments are designed to reduce stand density, decrease competition and improve growing space for residual trees. Commercially thinned plantations would consist of thinning trees greater than 8″ DBH. Plantations without a commercial saw-log component (TSI) would consist of thinning trees less than 8″ DBH and reducing brush. Commercial biomass would be a by-product of TSI treatments.

• Off-site ponderosa pine plantations would be thinned to promote growth of naturally occurring tree species.

• Douglas-fir/tanoak plantations would be thinned, and most of the planted pine within these plantations would be removed, while a portion of the hardwood component would be maintained.

• Pure stands of Douglas-fir would be thinned to increase growing space for overstocked early seral stands. Stands that once contained a significant black oak component would be thinned to encourage black oak regeneration.

• Douglas-fir and white fir stands with viable oak and pine would be thinned to reduce overall stand density, and trees that compete with healthy hardwoods and pines would be removed to increase their viability and promote their regeneration.

All treatments would maintain tree species mix of hardwoods and conifers.

Maps and tables detailing the proposed action can be found at *http://www.fs.fed.us/r5/sixrivers/.*

In addition, maps will be available for viewing at:

Mad River Ranger District, 741 Highway 36 (28 miles east of Bridgeville), Bridgeville, CA 95526; phone: 707–574–6233.

Responsible Official

Thomas Hudson, District Ranger, Mad River Ranger District, 741 Highway 36, Bridgeville, CA 95526.

Nature of Decision To Be Made

The responsible official will decide whether to adopt and implement the proposed action, an alternative to the proposed action, or take no action.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, those who only submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR part 215.

Dated: January 11, 2011.

Tyrone Kelley,

Forest Supervisor.

[FR Doc. 2011–884 Filed 1–14–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fishlake National Forest; Utah; Oil and Gas Leasing EIS

AGENCY: Forest Service, USDA.

ACTION: Corrected Notice of Intent to prepare an environmental impact statement for the Oil and Gas Leasing Analysis. The original notice was published on July 7, 2006.

SUMMARY: The Fishlake National Forest (FNF) is preparing an environmental impact statement (EIS) to disclose the potential effects of a proposal to make lands administered by the FNF available for oil and gas leasing, and to determine what lease stipulations would apply to those lands. The proposal also includes amending the FNF Land and Resource Management Plan (LRMP) to update management direction for minerals management, specifically oil and gas. The scope of the analysis is forest-wide. A Notice of Intent (NOI) was first published for this proposal on July 7, 2006, Volume 71, No. 130, pages 38602–38604. Due to the length of time that has passed since the first NOI was published, the FNF is publishing this Corrected NOI.

DATES: Comments concerning the scope of the analysis were received during the initial scoping period in 2006, and are being considered in the preparation of this EIS. New or additional comments should be received within 30 days from the publication of this notice in the **Federal Register**. The draft EIS is expected April 2011 and the final EIS is expected October 2011.

ADDRESSES: Send written comments to Shelly Dyke, Team Leader, Fishlake National Forest, 115 E. 900 North, Richfield, Utah 84701; phone (801) 597–7633; fax (435) 896–0374; e-mail: *forest_service_act2@fs.fed.us.* Comments may also be sent via e-mail to *sdyke@fs.fed.us.* Please include "Oil and Gas Leasing Analysis" on the subject line.

It is important that reviewers provide their comments at such times and in such a way that they are useful to the Agency's preparation of the EIS. Therefore, comments should clearly articulate the reviewer's concerns and contentions.

Comments received, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered, however those who submit comments anonymously would not be considered to have standing in the process. Those who commented during the initial scoping period need not resubmit comments, unless there are additional comments they wish to make.

FOR FURTHER INFORMATION CONTACT: John Zappell, Public Affairs Officer at (435) 896–1070.

Technical Contact: Diane Freeman, Ecosystem Staff Officer at (435) 896–1050.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Agency regulations at 36 CFR 228.102 require the Forest Service to analyze lands under their jurisdiction that have not already been analyzed for oil and gas leasing. None of the lands administered by the FNF have previously been analyzed for oil and gas leasing. In analyzing lands for oil and gas leasing, the Forest Service must comply with the National Environmental Policy Act (NEPA). The Federal Onshore Oil and Gas Leasing Reform Act (FOOGLRA) of 1987 establishes consent authority to the Forest Service for leasing, prior to the Bureau of Land Management (BLM) offering National Forest System lands for lease. The BLM Utah State Office has received several Expressions of Interest (EOI) for leasing portions of the FNF. In order to facilitate the BLM processing and responding to those EOIs, the FNF must first complete a leasing analysis to

determine which lands to identify for leasing, and what additional stipulations, if any would apply to those lands. Finally, the FNF LRMP has not yet been revised; therefore an amendment is needed to update direction for protecting surface resources relative to minerals management, specifically oil and gas exploration and development.

The purpose of this leasing analysis is to identify which lands would be available and approved for oil and gas leasing, to determine what standard or special lease stipulations would apply to which pieces of land for resource protection, to project the type and amount of post-leasing activity that would be reasonably foreseeable, and to analyze the potential impacts of reasonably foreseeable post-leasing activity.

Proposed Action

The proposed action is to make all lands administered by the FNF available for lease. The following areas would be leased with the No Surface Occupancy (NSO) stipulation: All Research Natural Areas; Quitchupah Canyon Cultural Area; Areas with slopes greater than 35 percent; North Horn sediment areas greater than 25 percent slope; Habitat within one mile of known threatened, endangered, or proposed (TEP) plants; Habitat of TEP species covered under a conservation agreement or recovery plan; Areas within 300 feet of riparian areas, wetlands, lakes, reservoirs, perennial streams, and springs; Municipal water source protection areas; Bald eagle winter concentration areas; Sage grouse leks and nesting habitat; Known colonies of pygmy rabbits; Key habitats for boreal toad; Developed recreation sites; Areas with a Primitive Recreation Opportunity Spectrum; Forest Service administrative sites and facilities; National Recreation Trails; Inventoried Roadless Areas as identified in the 2001 Roadless Area Conservation Rule.

The following areas would be leased with a Timing Limitation (TL) stipulation: Sage grouse brood-rearing areas (May 1 to July 5); Goshawk nesting and nest replacement areas (March 1 to September 30); Big game wintering areas (January 1 to April 15); Big game calving and fawning areas (May 1 to July 5).

The following areas would be leased with the Controlled Surface Use (CSU) stipulation:

Unstable lands; Sensitive plant habitat within one mile of known sites; Campground water systems; Goshawk post-fledging areas; Raptor nest areas; High scenic integrity areas (including areas seen from Capital Reef National Park and Fremont Indian State Park); Areas with a Semi-Primitive Non-motorized Recreation Opportunity Spectrum; Air quality non-attainment areas; Cultural resource areas.

All other areas would be leased with standard lease terms and conditions. Lease notices (LN) would be included in leases to inform prospective bidders of restrictions required by law or regulation.

Possible Alternatives

In addition to the Proposed Action, the No Action alternative will be analyzed in detail. Under this alternative oil and gas leasing would occur under current management direction. Other alternatives could include a range of more restrictive lease stipulations placed on more acreage, and/or fewer acres approved for lease availability.

Lead and Cooperating Agencies

The USDA Forest Service is the lead agency. The USDI Bureau of Land Management, and the State of Utah are cooperating agencies.

Responsible Official

The responsible official is the Forest Supervisor of the Fishlake National Forest.

Nature of Decision To Be Made

The Forest Supervisor of the Fishlake National Forest will decide which lands administered by the FNF will be administratively available for oil and gas leasing, and what stipulations would be applied to future leases. The Forest Supervisor will also decide whether to approve a non-significant Forest Plan amendment to update management direction for leasable minerals. This decision will not result in ground-disturbing activities such as exploration, drilling, or field development. Any ground disturbing activity that may be proposed subsequent to leasing would require further site-specific review and environmental analysis prior to approval as outlined in current Federal regulations (36 CFR 228.107).

Scoping Process

The initial scoping period started when the NOI was published in 2006. There is an opportunity to submit additional comments not already submitted, for 30 days after publication of this Corrected NOI.

A series of public meetings were held in July and August, 2006. No additional public meetings are planned at this time. The proposal has been listed on the FNF Schedule of Proposed Actions since 2006.

Dated: January 6, 2011.

Joseph G. Reddan,

Acting Forest Supervisor.

[FR Doc. 2011–886 Filed 1–14–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ontonagon Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ontonagon Resource Advisory Committee will meet in Ewen, Michigan. The Committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to review and make recommendations on Title II Projects submitted by the public.

DATES: The meeting will be held on February 11, 2011, and will begin at 9:30 a.m. (EST).

ADDRESSES: The meeting will be held at the Ewen-Trout Creek High School, 14312 Airport Road, Ewen, Michigan. Written comments should be sent to Lisa Klaus, Ottawa National Forest, E6248 U.S. Hwy. 2, Ironwood, MI 49938. Comments may also be sent via e-mail to *lklaus@fs.fed.us* or via facsimile to 906–932–0122.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ottawa National Forest, E6248 U.S. Hwy. 2, Ironwood, MI 49938.

FOR FURTHER INFORMATION CONTACT: Lisa Klaus, RAC coordinator, USDA, Ottawa National Forest, E6248 U.S. Hwy. 2, Ironwood, MI, (906) 932–1330, ext. 328; e-mail *lklaus@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: This meeting is open to the public. The following business will be conducted: (1) Review and approval of previous meeting minutes. (2) Review and approval of Operating Guidelines and Title II Project Evaluation Criteria. (3) Review and make recommendations for

Title II Projects submitted by the public. (4) Public comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: January 10, 2011.

Randal D. Charles,

Acting Designated Federal Officer.

[FR Doc. 2011–869 Filed 1–14–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Humboldt Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Humboldt Resource Advisory Committee (RAC) will meet in Eureka, California. The committee meeting is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act.

DATES: The meeting will be held February 1, 2011, from 5 p.m. to 7 p.m.

ADDRESSES: The meeting will be held at the Six Rivers National Forest Office, 1330 Bayshore Way, Eureka, CA 95501.

FOR FURTHER INFORMATION CONTACT: Adam Dellinger, Committee Coordinator, at (707) 441–3569; e-mail *adellinger@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The agenda includes a public comment period and a review of all Title II project proposals received to date.

Dated: January 10, 2011.

Tyrone Kelley,

Forest Supervisor.

[FR Doc. 2011–874 Filed 1–14–11; 8:45 am]

BILLING CODE 3410–11–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wyoming Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the regulations of the Federal Advisory Committee Act (FACA), that a meeting of the Wyoming Advisory Committee will convene at 10 a.m. and adjourn at 12 p.m. (MST) on Saturday, February 5, 2011, at Holland Hart LLP, 2515 Warren Avenue, Suite 450, Cheyenne, WY 82003.

The purpose of the meeting is to provide orientation and ethics training for new members and brief the committee on civil rights issues in the State. A briefing will be conducted by a representative of the Community Relations Service, U.S. Department of Justice, Denver. The committee will discuss recent Commission and regional activities, and plan future activities that include addressing the state of civil rights in Wyoming.

Members of the public are entitled to submit written comments; the comments must be received in the Rocky Mountain Regional Office by March 5, 2011. The address is 999–18th Street, Suite 1380S, Denver, CO 80202. Persons wishing to e-mail their comments, or to present their comments verbally at the meeting, or who desire additional information should contact Malee Craft, Regional Director, at (303) 866–1040 or by e-mail to: *mcraft@usccr.gov.*

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *http://www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated at Washington, DC, January 12, 2011.

Peter Minarik,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2011–903 Filed 1–14–11; 8:45 am]

BILLING CODE 6335–02–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Folding Metal Tables and Chairs From the People's Republic of China: Final Results of 2007–2008 Deferred Antidumping Duty Administrative Review and Final Results of 2008–2009 Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("Department") published its preliminary results of the 2007–2008 deferred and 2008–2009 administrative reviews of the antidumping duty order on folding metal tables and chairs ("FMTCs") from the People's Republic of China ("PRC") on July 14, 2010.[1] The periods of review ("POR") are June 1, 2007, through May 31, 2008, for the deferred administrative review, and June 1, 2008, through May 31, 2009, for the administrative review. We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made changes to our margin calculations. Therefore, the final results differ from the preliminary results. The final dumping margins for these reviews are listed in the "Final Results of Review" section below.

DATES: *Effective Date:* January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian or Erin Kearney, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–6412 or (202) 482–0167, respectively.

Background

On July 14, 2010, the Department published its preliminary results. *See Preliminary Results.* On August 3, 2010, Meco Corporation ("Meco"), the petitioner in the underlying investigation, provided new surrogate value information for the 2008–2009 review based on Indonesia, including financial statements from PT Lion Metal Works Tbk ("Lion").[2] New-Tec Integration (Xiamen) Co., Ltd. ("New-

[1] *See Folding Metal Tables and Chairs from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 40788 (July 14, 2010) ("*Preliminary Results*").

[2] We note that in the preliminary results, we have selected India as the surrogate country in both 2007–2008 and 2008–2009 administrative reviews.

Tec"), a respondent in the 2008–2009 review, submitted on August 13, 2010, publicly available information to "rebut, clarify, or correct" the information submitted by Meco concerning the 2008–2009 review. On August 20 and September 20, 2010,[3] the Department received case briefs from Meco for the 2007–2008 deferred and 2008–2009 reviews, respectively. On August 25 and November 3, 2010,[4] Feili Group (Fujian) Co., Ltd. and Feili Furniture Development Limited Quanzhou City ("Feili"), a respondent in both reviews, and Cosco Home and Office Products ("Cosco"), a U.S. importer of subject merchandise and interested party in both reviews, submitted rebuttal briefs for the 2007–2008 and 2008–2009 reviews, respectively. Finally, on August 25, 2010, New-Tec submitted its rebuttal brief for the 2008–2009 review.

We have conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.213.

Scope of Order

The products covered by this order consist of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (folding metal tables). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal tables are the following:

Lawn furniture;
Trays commonly referred to as "TV trays;"
Side tables;
Child-sized tables;
Portable counter sets consisting of rectangular tables 36″ high and matching stools; and, Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28″ to 36″ wide by 48″ to 96″ long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (folding metal chairs). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: Those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of the order regarding folding metal chairs are the following:

Folding metal chairs with a wooden back or seat, or both;
Lawn furniture;
Stools;
Chairs with arms; and
Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401.71.0010, 9401.71.011, 9401.71.0030, 9401.71.0031, 9401.79.0045, 9401.79.0046, 9401.79.0050, 9403.20.0018, 9403.20.0015, 9403.20.0030, 9403.60.8040, 9403.70.8010, 9403.70.8020, and 9403.70.8030 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise is dispositive.

Based on a request by RPA International Pty., Ltd. and RPS, LLC (collectively, "RPA"), the Department ruled on January 13, 2003, that RPA's poly-fold metal folding chairs are within the scope of the order because they are identical in all material respects to the merchandise described in the petition, the initial investigation, and the determinations of the Secretary.

On May 5, 2003, in response to a request by Staples, the Office Superstore Inc. ("Staples"), the Department issued a scope ruling that the chair component of Staples' "Complete Office-To-Go," a folding chair with a tubular steel frame and a seat and back of plastic, with measurements of: height: 32.5 inches; width: 18.5 inches; and depth: 21.5 inches, is covered by the scope of the order because it is identical in all material respects to the scope description in the order, but that the table component, with measurements of: Width (table top): 43 inches; depth (table top): 27.375 inches; and height: 34.875 inches, has legs that fold as a unit and meets the requirements for an exemption from the scope of the order.

On September 7, 2004, the Department found that table styles 4600 and 4606 produced by Lifetime Plastic Products Ltd. are within the scope of the order because these products have all of the components that constitute a folding metal table as described in the scope.

On July 13, 2005, the Department issued a scope ruling determining that "butterfly" chairs are not within the scope of the antidumping duty order because they do not meet the physical description of merchandise covered by the scope of the order as they do not have cross braces affixed to the front and/or rear legs, and the seat and back is one piece of cloth that is not affixed to the frame with screws, rivets, welds, or any other type of fastener.

On July 13, 2005, the Department issued a scope ruling determining that folding metal chairs imported by Korhani of America Inc. are within the scope of the antidumping duty order because the imported chair has a wooden seat, which is padded with foam and covered with fabric or polyvinyl chloride, attached to the tubular steel seat frame with screws, and has cross-braces affixed to its legs.

On May 1, 2006, the Department issued a scope ruling determining that "moon chairs" are not included within the scope of the antidumping duty order because moon chairs have different physical characteristics, different uses, and are advertised differently than chairs covered by the scope of the order.

On October 4, 2007, the Department issued a scope ruling determining that International E–Z Up Inc.'s ("E–Z Up") Instant Work Bench is not included within the scope of the antidumping duty order because its legs and weight do not match the description of the folding metal tables in the scope of the order.

On April 18, 2008, the Department issued a scope ruling determining that the VIKA Twofold 2-in-1 Workbench/

[3] The Department rejected Meco's original case brief submitted on August 20, 2010 for the 2008–2009 review because it contained untimely new factual information.

[4] The Department rejected Feili's and Cosco's original rebuttal brief submitted on August 25, 2010 for the 2007–2008 review because it contained untimely new factual information.

Scaffold ("Twofold Workbench/Scaffold") imported by Ignite USA, LLC from the PRC is not included within the scope of the antidumping duty order because its rotating leg mechanism differs from the folding metal tables subject to the order, and its weight is twice as much as the expected maximum weight for folding metal tables within the scope of the order.

On May 6, 2009, the Department issued a final determination of circumvention, determining that imports from the PRC of folding metal tables with legs connected by cross–bars, so that the legs fold in sets, and otherwise meeting the description of in–scope merchandise, are circumventing the order and are properly considered to be within the class or kind of merchandise subject to the order on FMTCs from the PRC.

On May 22, 2009, the Department issued a scope ruling determining that folding metal chairs that have legs that are not connected with cross-bars are within the scope of the antidumping duty order on folding metal tables and chairs from the PRC.

On October 27, 2009, the Department issued a scope ruling that Lifetime Products, Inc.'s ("Lifetime") fold-in-half adjustable height tables are not included within the scope of the antidumping duty order because Lifetime's tables essentially share the physical characteristics of banquet tables, which are expressly excluded from the scope of the order and, therefore, are outside the scope of the order.

On July 27, 2010, the Department issued a scope ruling determining that the bistro set imported by Academy Sports & Outdoors, consisting of two chairs and a table, are outside the scope of the antidumping duty order because they constitute lawn furniture, which is expressly excluded from the scope of the order.

Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in these reviews are addressed in the memorandum from Gary Taverman, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Deputy Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the 2007–2008 Deferred Administrative Review and the 2008–2009 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China" (January 10, 2010) ("Issues and Decision Memorandum"), which are hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit ("CRU") in room 7046 in the main Department building, and is also accessible on the Web at *http://www.trade.gov/ia.* The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for Feili in both the 2007–2008 deferred and 2008–2009 reviews, and for New-Tec in the 2008–2009 review. We have revised the calculation of normal value to reflect a change in the wage rate from $1.23 to $1.22 for both reviews.[5]

Final Results of Review

We determine that the following dumping margins exist for the POR:

Manufacturer/exporter	Margin (percent)
Feili (6/1/2007–5/31/2008)	*0.04
Feili (6/1/2008–5/31/2009)	*0.00
New-Tec (6/1/2008–5/31/2009) ..	*0.00

* This rate is *de minimis.*

Assessment

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of these reviews. For assessment purposes, we calculated exporter/importer- (or customer) specific assessment rates for merchandise subject to these reviews. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer- (or customer) specific assessment rate is *de minimis* under 19 CFR 351.106(c) (*i.e.,* less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of these reviews.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of the 2008–2009 administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Feili and New-Tec, the cash deposit rate will be the company-specific rate established in the final results of review (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 70.71 percent; and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department's presumption that

[5] *See* Analysis for the Final Results of the 2007–2008 Deferred Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China: Feili Group (Fujian) Co., Ltd. and Feili Furniture Development Limited Quanzhou City ("Feili"), Analysis for the Final Results of the 2008–2009 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China: New-Tec Integration (Xiamen) Co. Ltd . ("New-Tec"), and Analysis for the Final Results of the 2008–2009 Administrative Review of Folding Metal Tables and Chairs from the People's Republic of China: Feili Group (Fujian) Co., Ltd. and Feili Furniture Development Limited Quanzhou City ("Feili").

reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice of the final results of this administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 10, 2011.

Paul Piquado,

Acting Deputy Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Issues and Decision Memorandum

Comment 1: Selection of the Primary Surrogate Country
- A. Economic Comparability
- B. Significant Production of Comparable Merchandise
- C. Best Available Surrogate Value Information

Comment 2: Surrogate Financial Statements
- A. General Comments
- B. Receipt of Subsidies
- C. Contemporaneity of Financial Statements
- D. Selection of Financial Statements Based on Sales and Production
- E. Selection of Financial Statements Based on Primary Business Activity

Comment 3: Surrogate Financial Statements Contained on the Record

Comment 4: Whether it is Appropriate To Change the Primary Surrogate Country Between Issuance of the Preliminary and Final Results

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–905]

Certain Polyester Staple Fiber From the People's Republic of China: Final Results and Partial Rescission of Second Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 14, 2010, the Department of Commerce ("Department") published in the **Federal Register** the preliminary results of the second administrative review of the antidumping duty order on certain polyester staple fiber ("PSF") from the People's Republic of China ("PRC"). *See Certain Polyester Staple Fiber From the People's Republic of China: Notice of Preliminary Results and Preliminary Rescission, in Part, of the Antidumping Duty Administrative Review,* 75 FR 40777 (July 14, 2010) ("*Preliminary Results*"). We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments and information received, we made changes to the margin calculations for the final results. We continue to find that sales have not been made below normal value ("NV") with respect to the mandatory respondents who participated fully and are entitled to a separate rate in this administrative review.

DATES: *Effective Date:* January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Jerry Huang or Steven Hampton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4047 and (202) 482–0116 respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 2010, the Department published the *Preliminary Results* of the second administrative review of the antidumping duty order on certain PSF from the PRC. On July 26, 2010, Ningbo Dafa Chemical Fiber Co., Ltd. ("Ningbo Dafa") and Cixi Santai Chemical Fiber Co., Ltd. ("Cixi Santai"), the mandatory respondents in this review, submitted additional information regarding domestic brokerage and handling. On August 3, 2010, Ningbo Dafa and Cixi Santai submitted additional surrogate value ("SV") information.

As part of the *Preliminary Results,* we instructed interested parties to submit case briefs on August 13, 2010, 30 days after the publication of the *Preliminary Results.* On August 3, 2010, we placed additional export data and wage rate data on the record of this administrative review and invited interested parties to comment in their case briefs with the deadline extended to September 1, 2010. On September 1, 2010, Cixi Sansheng Chemical Fiber Co., Ltd., Hangzhou Best Chemical Fibre Co., Ltd. ("Hangzhou Best"), Hangzhou Huachuang Co., Ltd., Hangzhou Sanxin Paper Co., Ltd., Nantong Luolai Chemical Fiber Co., Ltd., NanYang Textiles Co., Ltd., Zhejiang Waysun Chemical Fiber Co., Ltd., Cixi Waysun Chemical Fiber Co., Ltd., and Zhaoqing Tifo New Fiber Co., Ltd. (collectively, the "Certain Separate Rate Companies") filed a case brief regarding what antidumping duty rate should be assigned to them. Also on September 1, 2010, Ningbo Dafa, Cixi Santai, the Certain Separate Rate Companies, Consolidated Textiles, Inc., Fibertex Corporation, and Stein Fibers Limited filed separate case briefs addressing the other case issues.

On October 26, 2010, the Department issued a memorandum regarding the Department's proposed industry-specific wage rate methodology for the final results and invited interested parties to comment. On November 5, 2010, Ningbo Dafa and Cixi Santai filed comments on the Department's wage rate methodology. On November 10, 2010, DAK Americas LLC ("Petitioner") filed rebuttal comments.

The Department did not hold a public hearing pursuant to 19 CFR 351.310(d), as any hearing request made by interested parties was withdrawn.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these reviews are addressed in the "Certain Polyester Staple Fiber from the People's Republic of China: Issues and Decision Memorandum for the Final Results of 2008/2009 Administrative Review," which is dated concurrently with and adopted by this notice ("Decision Memo"). A list of the issues which parties raised and to which we respond in the Decision Memo is attached to this notice as an Appendix. The Decision Memo is a public document and is on file in the Central Records Unit, main Commerce building, Room 7046, and is accessible on the Department's Web site at *http://www.trade.gov/ia.* The paper copy and electronic version of the memorandum are identical in content.

Period of Review

The period of review ("POR") is June 1, 2008, through May 31, 2009.

Scope of the Order

The merchandise covered by the order is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets,

comforters, cushions, pillows, and furniture.

The following products are excluded from the scope: (1) PSF of less than 3.3 decitex (less than 3 denier) currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 5503.20.0025 and known to the industry as PSF for spinning and generally used in woven and knit applications to produce textile and apparel products; (2) PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting; and (3) low-melt PSF defined as a bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

Certain PSF is classifiable under the HTSUS subheadings 5503.20.0045 and 5503.20.0065. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Changes Since the Preliminary Results

Based on a review of the record as well as comments received from parties regarding our *Preliminary Results,* we have made revisions to certain SVs and the margin calculations for Ningbo Dafa and Cixi Santai in the final results. Specifically, we have updated the calculation for labor and brokerage and handling SVs. *See* Decision Memo and the company specific analysis memoranda.

Wage Rate Methodology

Pursuant to a recent decision by the United States Court of Appeals for the Federal Circuit, we have calculated a revised hourly wage rate to use in valuing Ningbo Dafa and Cixi Santai's reported labor.[1] The revised wage rate is calculated by averaging earnings and/or wages in countries that are economically comparable to the PRC and that are significant producers of comparable merchandise, pursuant to section 773 of the Act. *See* Decision Memo at Comment 1.

Separate Rates

In our *Preliminary Results,* we determined that the following companies met the criteria for separate rate status in addition to the mandatory respondents Ningbo Dafa and Cixi Santai: Far Eastern Industries (Shanghai), Ltd. (aka Far Eastern Polychem Industries); Cixi Sansheng Chemical Fiber Co., Ltd.; Cixi Waysun Chemical Fiber Co. Ltd.; Hangzhou Hanbang Chemical Fibre Co., Ltd.; Hangzhou Huachuang Co., Ltd.; Hangzhou Sanxin Paper Co., Ltd.; Hangzhou Taifu Textile Fiber Co., Ltd.; Jiaxing Fuda Chemical Fibre Factory; Nantong Loulai Chemical Fiber Co., Ltd.; Nanyang Textile Co., Ltd.; Zhaoqing Tifo New Fiber Co., Ltd.; Zhejiang Anshun Pettechs Fibre Co., Ltd.; and Zhejiang Waysun Chemical Fiber Co., Ltd. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for the reconsideration of these preliminary determinations. Therefore, the Department continues to find the above-named companies meet the criteria for a separate rate.

PRC-Wide Entity

In the *Preliminary Results,* the Department determined that those companies which did not demonstrate eligibility for a separate rate are properly considered part of the PRC-wide entity. Since the *Preliminary Results,* none companies submitted comments regarding these findings. Therefore, we continue to treat such entities as part of the PRC-wide entity.

Final Partial Rescission

In the *Preliminary Results,* the Department preliminarily rescinded this review with respect to Hangzhou Best and Xiamen Xianglu Chemical Fiber Co. ("Xiamen Xianglu") because the Department preliminarily determined that they had no shipments of subject merchandise to the United States during the POR. We have not received any information since the issuance of the *Preliminary Results* that provides a basis for reconsidering rescinding the review with respect to these two companies. Thus, in accordance with 19 CFR 351.213(d)(3), and consistent with our practice, we are rescinding this review with respect to Hangzhou Best and Xiamen Xianglu.

Final Results of Review

The dumping margins for the POR are as follows:

CERTAIN POLYESTER STAPLE FIBER FROM THE PEOPLE'S REPUBLIC OF CHINA

Manufacturer/Exporter	Weighted average margin (percent)
Ningbo Dafa Chemical Fiber Co., Ltd.	* 0.00
Cixi Santai Chemical Fiber Co., Ltd.	* 0.29
Far Eastern Industries (Shanghai) Ltd. (aka Far Eastern Polychem Industries)	4.44
Cixi Sansheng Chemical Fiber Co., Ltd.	4.44
Cixi Waysun Chemical Fiber Co. Ltd.	4.44
Hangzhou Hanbang Chemical Fibre Co., Ltd.	4.44
Hangzhou Huachuang Co., Ltd.	4.44
Hangzhou Sanxin Paper Co., Ltd.	4.44
Hangzhou Taifu Textile Fiber Co., Ltd.	4.44
Jiaxing Fuda Chemical Fibre Factory	4.44
Nantong Loulai Chemical Fiber Co., Ltd.	4.44
Nanyang Textile Co., Ltd.	4.44
Zhaoqing Tifo New Fiber Co., Ltd.	4.44
Zhejiang Anshun Pettechs Fibre Co., Ltd.	4.44
Zhejiang Waysun Chemical Fiber Co., Ltd.	4.44
PRC-Wide Rate	44.30

* (*de minimis*).

[1] *Dorbest Ltd.* v. *United States,* 604 F.3d 1363, 1372 (Fed. Cir. 2010).

Assessment

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific assessment rate calculated in the final results of this review is above *de minimis.*

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each of the reviewed companies that received a separate rate in this review will be the rate listed in the final results of review (except that if the rate for a particular company is *de minimis, i.e.,* less than 0.5 percent, no cash deposit will be required for that company); (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period of review; (3) if the exporter is not a firm covered in this review, a prior review, or the original less than fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the PRC-wide rate of 44.30 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: January 10, 2011.

Christian Marsh,

Acting Deputy Assistant Secretary for Import Administration.

Appendix

General Comments

Comment 1: Surrogate Value for Labor
Comment 2: Surrogate Value for Brokerage & Handling
Comment 3: Brokerage & Handling in Market Economy Purchase Price
Comment 4: Zeroing

Certain Separate Rate Companies Comments

Comment 5: Separate Rate Assignment

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA148

Marine Mammals; File No. 16000

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Wild Horizons LTD, 59 Cotham Hill, Cotham, Bristol, BS6 6JR, United Kingdom, has applied in due form for a permit to conduct commercial or educational photography of bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or e-mail comments must be received on or before February 17, 2011.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on this application should be submitted to the Chief, Permits, Conservation and Education Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by e-mail to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 16000 in the subject line of the e-mail comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits, Conservation and Education Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Joselyd Garcia-Reyes or Kristy Beard, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216). Section 104(c)(6) provides for photography for educational or commercial purposes involving non-endangered and non-threatened marine mammals in the wild.

Wild Horizons LTD requests a two-year photography permit to film bottlenose dolphin strand feeding events in the estuaries and creeks of Bull Creek and around Hilton Head, South Carolina. Filmmakers plan to use two filming platforms: An inflatable 21ft boat and a helicopter. Up to 2,500 dolphins annually may be approached and filmed. Filming would occur over three to four week session and would be completed by August 2012. Footage would be used to create a 7-part television series, *Wild Planet: North America,* for the Discovery Channel. The premise of the series is to provide a definitive guide to the natural history of the North American Continent and have a dedicated episode to each biome.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: January 11, 2011.

P. Michael Payne,

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

[FR Doc. 2011–932 Filed 1–14–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA152

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR Steering Committee meeting.

SUMMARY: The SEDAR Steering Committee will meet via conference call to discuss the SEDAR process. *See* **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR Steering Committee will meet on Wednesday, March 2, 2011, from 10 a.m. to 12 p.m., EST.

ADDRESSES: The meeting will be held via conference call. Listening stations are available at the following locations: South Atlantic Fishery Management Council, 4055 Faber Place Drive #201, North Charleston, SC 29405; Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607; and Caribbean Fishery Management Council, 268 Muñoz Rivera Ave., Suite 1108, San Juan, Puerto Rico 00918.

FOR FURTHER INFORMATION CONTACT: John Carmichael, Science and Statistics Program Manager, SAFMC, 4055 Faber Place, Suite 201, North Charleston, SC 29405; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520.

SUPPLEMENTARY INFORMATION: The South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils; in conjunction with NOAA Fisheries, the Atlantic States Marine Fisheries Commission, and the Gulf States Marine Fisheries Commission; implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks. The SEDAR Steering Committee provides oversight of the SEDAR process, establishes assessment priorities, and provides coordination of assessment and management activities. During this conference call the Steering Committee will discuss operational changes proposed for the SEDAR process, including the timing of workshops and the types of assessments conducted.

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

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the South Atlantic Fishery Management Council office (*see* **ADDRESSES**) at least 10 business days prior to the meeting.

Dated: January 12, 2011.

Tracey L. Thompson,

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

[FR Doc. 2011–873 Filed 1–14–11; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, January 19, 2011; 10 a.m.–11 a.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Closed to the public.

Matter To Be Considered

Compliance Status Report

The Commission staff will brief the Commission on the status of compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–7948.

CONTACT PERSON FOR MORE INFORMATION: Todd A. Stevenson, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: January 11, 2011.

Todd A Stevenson,

Secretary.

[FR Doc. 2011–1031 Filed 1–13–11; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive and Co-Exclusive Patent License; NanoDynamics Life Sciences, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to NanoDynamics Life Sciences, Inc. a revocable, nonassignable, exclusive license to practice the Government-owned inventions described in U.S. Patent No. 5,492,696: Controlled Release Microstructures, Navy Case No. 76,896.//U.S. Patent No. 5,651,976: Controlled Release of Active Agents using Inorganic Tubules, Navy Case No. 76,652.//U.S. Patent No. 5,705,191: Sustained Delivery of Active Compounds from Tubules, with Rational Control, Navy Case No. 77,037.//U.S. Patent No. 6,280,759: Method of Controlled Release and Controlled Release Microstructures, Navy Case No. 78,215 and any continuations, divisionals or re-issues thereof in the field of use of metal related industry and a co-exclusive license to practice the field of use of building materials. The field of use of building materials means the use of Halloysite Microtubles for the elution from them of any and all biocidal substances into building materials including, but not limited to: Grouts, cements, parging materials, stuccos, mortars, wallboards; cellulose-based materials (such as particleboard, paneling, medium density fiberboard (MDF) paneling, plywood, lumber, chipboard, and ceiling tile); caulks, sealants and adhesives; high pressure laminates; wall, counter top and floor coverings or components thereof; ceramics, cultured marbles, tiles; non-cellulose (*i.e.* polymer) based wallpapers, paneling, and other wall,

counter top, and floor coverings or components; and insulations. The field of use of paint means the use of Halloysite Microtubules for the elution of any and all substances in paints, sealers, fillers, varnishes, shellac, polyurethane coatings, and any and all "paint-like" coatings applied in liquid form to any and all surfaces for the beautification or protection of surfaces in structures or components thereof, including but not limited to, buildings, marine structures (including boats), furniture and other normally "painted" materials in the United States.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than February 2, 2011.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Rita Manak, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone 202–767–3083. Due to U.S. Postal delays, please fax 202–404–7920, e-mail: *rita.manak@nrl.navy.mil* or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: January 7, 2011.

D.J. Werner,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2011–889 Filed 1–14–11; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department of Education (Department) gives notice that on March 31, 2010, an arbitration panel rendered a decision in the matter of *Daniel Czubak* v. *Illinois Department of Human Services, Division of Rehabilitation Services, Case no. R–S/08–5.* This panel was convened by the Department under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, Daniel Czubak.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202–2800. *Telephone:* (202) 245–7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

Individuals with disabilities may obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

Daniel Czubak (Complainant) alleged violations by the Illinois Department of Human Services, Division of Rehabilitation Services, the State licensing agency (SLA), under the Act and implementing regulations at 34 CFR part 395. The allegations pertained to his operation of a vending facility comprised of vending machines at the Shapiro Developmental Center (SDC) from November 2005 until February 2009 when his vending operator's agreement at the SDC was terminated by the SLA.

The Complainant began operation of the vending facility at SDC when granted a Temporary Income Opportunity in 2005. Later, after being the successful bidder and signing a vending operator's agreement in May 2006, he continued operating the facility until February 2009.

Appended to the May 2006 vending operator's agreement was a Memorandum of Understanding (MOU) dated April 2004 between the SLA and the SDC. As a part of the MOU, the SDC required that the SLA ensure that the vendor operating the vending machines would make monthly commission payments to the SDC in the amount of $3,699.00 based upon the following: (a) Current vending machines at the SDC, (b) current prices established for items sold in the vending machines, and (c) the current amount of sales from the vending operation. This formula and the commission amount were based on a report from the private commercial operator, who previously operated the vending machines and made monthly commission payments to SDC based on a percentage of its vending sales.

Additionally, the MOU limited the ability of the vendor to change prices on vended products without prior concurrence by the SDC. Moreover, the MOU stipulated that price changes could only reflect the increased cost of products provided for the vending facility. The MOU also stated that the SLA or the vendor would pay any and all claims, losses, liabilities, or other expenses, including repair expenses arising from the operation of the vending machine facility.

The vending facility operator's agreement signed by the Complainant in May 2006 required Complainant to comply with the MOU between the SLA and the SDC, including the amount of commissions to be paid to the SDC.

In mid-2007, after operating the vending machine facility for almost a year, the Complainant began having problems paying the commission to the SDC. The Complainant alleged that the resident population at the SDC had declined considerably since he began managing the facility. At the same time, the Complainant alleged that his costs for goods and supplies had increased.

On September 1, 2007, an agreement was reached between the SLA, the SDC, and the Complainant to reduce his monthly commission payments to $2,500 with the SLA paying the $1,199 difference to the SDC. From September 2007 through March 2008, the SLA made the payments of $1,199 to the SDC out of Vocational Rehabilitation, Section 110 (VR 110) funds until the SLA was advised by the U.S. Department of Education, Rehabilitation Services Administration, that VR 110 funds could not be used for vendor commission payments.

Thus, beginning April 2008, the Complainant was again required to make the $3,699 monthly payment to the SDC. In early September 2008, the director at the SDC sent a formal request to the SLA asking that the Complainant be removed, citing a combination of factors, including late commission payments, bounced checks, spoiled food, and safety-related operational problems based upon complaints that the director had received. The SLA contacted the director at the SDC and he withdrew his request for the Complainant's removal with the stipulation that the Complainant would be more closely supervised and that he would become current with his commission payments. However, after October 2008, the Complainant ceased making commission payments to the SDC.

Subsequently, both the Complainant and the Illinois Committee of Blind Vendors (ICBV) filed a complaint with the SLA alleging that staff of the Business Enterprise Program for the Blind (BEPB) entered into an illegal agreement with the Department of Mental Health regarding vending services at the SDC. The Complainant alleged that the SLA agreement with the Department of Mental Health had severely affected the Complainant's ability to earn a living. On November 12, 2008, a hearing on this matter was held.

On December 30, 2008, the hearing officer denied both the Complainant and ICBV's complaint stating that neither party had met the burden of proof required to show that BEPB's actions were not in accordance with State laws, regulations, or policy, were inappropriate, or violated any rights of the Complainant. On December 31, 2008, the SLA adopted the hearing officer's decision as final agency action. It was this decision that the Complainant sought review on appeal by a Federal arbitration panel.

Arbitration Panel Decision

After hearing testimony and reviewing all of the evidence, the panel majority ruled that the Illinois Department of Human Services, Division of Rehabilitation Services' determination that a blind vendor could be required to make monthly commission payments to the SDC regarding the vending machine facility was appropriate.

However, the panel majority concluded that the commission was too high, the manner in which the commission was calculated and assessed was inconsistent with the manner in which commission amounts being charged to blind vendors at other State facilities were being calculated and assessed, and that the commission payments were based on the private vendor's monthly payments without regard for the Complainant's seasonal costs or changes in the cost of purchasing products. Accordingly, the panel majority ruled that the SLA's actions were not in accordance with the Randolph-Sheppard Act, implementing regulations, and State laws, rules, and regulations.

Thus, the panel majority awarded the Complainant $22,589 in compensatory damages for overpayment of commissions to the SDC, plus $7,000 in partial compensation for attorney fees for a total award amount of $29,589. The panel also retained jurisdiction for 60 days from the date of the final decision and award to monitor compliance with the terms of the decision.

One panel member dissented from the panel majority's decision stating that the commission structure as a whole and the way the commission payments were determined did not violate the Act, implementing regulations, and State law, rules, and regulations. With regard to the remedy, the dissenter concluded that there is no authority for the arbitration panel to order any payments to the Complainant.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

Electronic Access to This Document: You can view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 12, 2011.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–922 Filed 1–14–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Blue Ribbon Commission on America's Nuclear Future

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Blue Ribbon Commission on America's Nuclear Future (the Commission). The Commission was organized pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.

DATES: Tuesday, February 1, 2011, 9 a.m.–4 p.m.; Wednesday, February 2, 2011, 8:30 a.m.–12:15 p.m.

ADDRESSES: Washington Marriott Metro Center, 775 12th Street, NW., Washington, DC 20005. Telephone: (202) 737–2200.

FOR FURTHER INFORMATION CONTACT: Timothy A. Frazier, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; telephone (202) 586–4243 or facsimile (202) 586–0544; e-mail *CommissionDFO@nuclear.energy.gov.* Additional information will be available at *http://www.brc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The President directed that the Commission be established to conduct a comprehensive review of policies for managing the back end of the nuclear fuel cycle. The Commission will provide advice and make recommendations on issues including alternatives for the storage, processing, and disposal of civilian and defense spent nuclear fuel and nuclear waste. The Commission is scheduled to submit a draft report to the Secretary of Energy in July 2011 and a final report in January 2012.

This is the sixth full Commission meeting. Previous meetings were held in March, May, July, September, and November 2010. Webcasts of the previous meetings along with meeting transcripts and presentation are available at *http://www.brc.gov.*

Purpose of the Meeting: The main purpose of this meeting is to further investigate several of the cross-cutting issues that affect the three subcommittees of the Commission. The Commission will hear from a series of speakers and panelists who can provide insights on the organization and scope of the nation's nuclear waste management entity, waste program funding, and the site selection and development process.

Tentative Agenda: The meeting is expected to start at 9 a.m. on Tuesday, February 1, 2011. The schedule for February 1st will include presentations and statements to the Commission, as well as roundtable discussion. The meeting will resume at 8:30 a.m. on Wednesday, February 2, 2011, with presentations and statements to the Commission and Commission discussions lasting until about 11:15 a.m. The meeting will conclude with public statements and will end about 12:15 p.m.

Public Participation: Individuals and representatives of organizations who would like to offer comments and suggestions may do so at the end of the public session on Wednesday, February 2, 2011. Approximately 1 hour will be reserved for public comments from 11:15 a.m. to 12:15 p.m. Time allotted per speaker will depend on the number who wish to speak but will not exceed 5 minutes. The Designated Federal

Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 8 a.m. on February 2, 2011, at the Washington Marriott at Metro Center. Registration to speak will close at 10 a.m., February 2, 2011.

Those not able to attend the meeting or having insufficient time to address the subcommittee are invited to send a written statement to Timothy A. Frazier, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, e-mail to *CommissionDFO@nuclear.energy.gov,* or post comments on the Commission Web site at *http://www.brc.gov.*

Additionally, the meeting will be available via live video Web cast. The link will be available at *http://www.brc.gov.*

Minutes: The minutes of the meeting will be available at *http://www.brc.gov* or by contacting Mr. Frazier. He may be reached at the postal address or e-mail address above.

Issued in Washington, DC, on January 11, 2011.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2011–902 Filed 1–14–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

AGENCY: Office of Nonproliferation and International Security, Department of Energy.

ACTION: Proposed subsequent arrangement.

SUMMARY: This notice is being issued under the authority of section 131a. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed subsequent arrangement under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy and the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the European Atomic Energy Community and the United States of America.

This subsequent arrangement concerns the retransfer of 2,536 g of U.S.-origin uranium (11 g U–235) and 27 g of plutonium contained in eight spent fuel rod segments from Nippon Nuclear Fuel Development Co., Ltd in Oarai-machi, Ibaraki-ken, Japan, to Studsvik Nuclear AB in Nyköping, Sweden. The material, which is currently located at Nippon Nuclear Fuel Development Co., Ltd, will be transferred to Studsvik Nuclear AB for: (a) Pre-irradiation experiment of the spent fuel rods irradiated in a nuclear power plant in Japan by Studsvik Nuclear AB in Sweden, (b) irradiation experiment of those fuel rods by Institutt for Energiteknikk OECD Halden Reactor Project in Norway, and (c) post-irradiation experiment of those fuel rods by Studsvik Nuclear AB in Sweden. The material was originally obtained by Nippon Nuclear Fuel Development Co., Ltd from Martin Marietta Energy Systems pursuant to export licenses XSNM02314 and XSNM02734.

In accordance with section 131a. of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than February 2, 2011.

Dated: December 20, 2010.

For the Department of Energy.

Thomas P. D'Agostino,

Administrator, National Nuclear Security Administration.

[FR Doc. 2011–905 Filed 1–14–11; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13797–000]

City of Ouray; Notice of Application Accepted for Filing, Ready for Environmental Analysis, and Soliciting Motions To Intervene and Protests, Comments, Final Terms and Conditions, Recommendations, and Prescriptions

January 11, 2011.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Filing:* Original Minor License.

b. *Project No.:* 13797–000.

c. *Dated Filed:* June 6, 2010.

d. *Submitted by:* City of Ouray.

e. *Name of Project:* Ouray Water Supply Hydroelectric Project.

f. *Project Description:* The proposed project would use excess water from the City's artesian spring by way of an existing six-inch water line. The City would add about 300 feet of new pipeline to direct water to a new power plant. The power plant will house one Pelton turbine and induction motor generator with a maximum output of 20 kilowatt.

g. *Location:* Ouray, Colorado.

h. *Filed Pursuant to:* 18 CFR 4.61 of the Commission's regulations.

i. *Applicant Contact:* Bob Risch, P.O. Box 468, Ouray, CO 81427; (970) 318–1363.

j. *FERC Contact:* Mary Greene at (202) 502–8865; or e-mail at *mary.greene@ferc.gov.*

k. A copy of the license application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*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 (P–13797). For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

l. This application has been accepted for filing and is now ready for environmental analysis.

m. *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 file such request within 30 days from issuance of this notice.

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). 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/ferconline.asp*) under the "e-Filing" link. For a simpler method of submitting text only comments click on "Quick Comment". For assistance, please contact FERC Online Support at *FERC OnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D.

Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

n. We notice that we intend to waive scoping and shorten the filing and comment date on final terms and conditions, recommendations, and prescriptions. Based on a review of the application, resource agency consultation letters, and comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-consultation period for the application and no new issues are likely to be identified through additional scoping.

o. *Deadline for filing motions to intervene and protests, comments, and final terms and conditions, recommendations, and prescriptions:* 30 days from the issuance of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

p. *Procedural Schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Recommendations, preliminary terms & conditions due	February 10, 2011.
Commission issues EA	March 9, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–915 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5637–005]

Bell Mountain Hydro LLC; Notice of Application for Amendment of Exemption and Soliciting Comments, Motions To Intervene, and Protests

January 11, 2011.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of Exemption.

b. *Project No.:* 5637–005.

c. *Date Filed:* November 22, 2010.

d. *Applicant:* Bell Mountain Hydro, LLC.

e. *Name of Project:* Pancheri Hydroelectric Project.

f. *Location of Project:* On the Telford Irrigation Pipeline, in Butte County, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Ted Sorenson, Bell Mountain Hydro LLC, 5203 South 11th East, Idaho Falls, ID 83404; (208) 522–8069.

i. FERC Contact: Mr. Christopher Chaney, (202) 502–6778, *christopher.chaney@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protest:* February 10, 2011.

All documents may be filed electronically via the Internet. *See,* 18 CFR 385.2001(a)(1)(iii) or 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 mailed to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters may submit 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.

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.

k. *Description of Request:* Bell Mountain Hydro, LLC is seeking an amendment to reflect the transmission line configuration as it was originally built in 1982. The original exemption authorized the construction of a 7,000-foot-long transmission line extending in a south-southeast direction from the powerhouse. However, the original line, as-built in 1982, is approximately 5,830 feet in length and extends from the powerhouse toward the south-southwest. The amendment does not propose any new construction or modifications to project facilities or changes in project operation.

l. 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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. 2011–914 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 7, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01–48–020.
Applicants: Powerex Corp.
Description: Powerex Corp submits notice of change in status.
Filed Date: 11/30/2010.
Accession Number: 20101201–0201.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: ER10–2426–001.
Applicants: Sagebrush Power Partners, LLC.
Description: Notice of Non-Material Change in Status of Sagebrush Power Partners, LLC.
Filed Date: 01/04/2011.
Accession Number: 20110104–5132.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER10–3290–001.
Applicants: Startrans IO, LLC.
Description: Compliance Filing of Startrans IO, LLC.
Filed Date: 01/06/2011.
Accession Number: 20110106–5172.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2645–000.
Applicants: Carolina Power & Light Company.
Description: Carolina Power & Light Company submits tariff filing per 35.13(a)(2)(iii): Service Agreement No. 322 under Carolina Power and Light Company OATT to be effective 1/1/2011.
Filed Date: 01/07/2011.
Accession Number: 20110107–5054.
Comment Date: 5 p.m. Eastern Time on Friday, January 28, 2011.

Docket Numbers: ER11–2646–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits tariff filing per 35: Schedule 3A, Generator Regulation & Frequency Response Svc to be effective 8/31/2010.
Filed Date: 01/07/2011.
Accession Number: 20110107–5071.
Comment Date: 5 p.m. Eastern Time on Friday, January 28, 2011.

Docket Numbers: ER11–2647–000.
Applicants: Carolina Power & Light Company.
Description: Cancellation of NITSA with Piedmont EMC by Carolina Power & Light Company.
Filed Date: 01/07/2011.
Accession Number: 20110107–5075.
Comment Date: 5 p.m. Eastern Time on Friday, January 28, 2011.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–9–000.
Applicants: ITC Midwest LLC.
Description: On January 6, 2011 and on January 7, 2011 ITC Midwest LLC filed Requests for Modification.
Filed Date: 01/06/2011; 01/07/2011.
Accession Number: 20110106–5173; 20110107–5130.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA10–3–000.
Applicants: GE Companies.
Description: Report of The GE Companies.
Filed Date: 12/28/2010.
Accession Number: 20101228–5166.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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. 2011–847 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 2

January 7, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10–766–002.
Applicants: Horizon Pipeline Company, L.L.C.
Description: Horizon Pipeline Company, L.L.C. submits tariff filing per 154.203: Baseline Filing—Volume No. 2 to be effective 1/6/2011.
Filed Date: 1/6/2011.
Accession Number: 20110106–5040.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP10–923–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.203: Compliance Filing to be effective 7/1/2010.

Filed Date: 1/7/2011.

Accession Number: 20110107–5049.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: CP09–54–006.

Applicants: Ruby Pipeline, L.L.C.

Description: Petition to Amend Order of Ruby Pipeline, L.L.C.

Filed Date: 12/16/2010.

Accession Number: 20101216–5180.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–848 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

January 5, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP04–274–025. RP00–157–026.

Applicants: Kern River Gas Transmission Company.

Description: Kern River Gas Transmission Company submits Rate Refund Report on Refunds paid to customers on December 9, 2010.

Filed Date: 12/17/2010.

Accession Number: 20101217–5174.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP11–1584–001.

Applicants: Portland Natural Gas Transmission System.

Description: Portland Natural Gas Transmission System submits tariff filing per 154.203: Order No. 587–U—Second Compliance Filing to be effective 11/1/2010.

Filed Date: 12/17/2010.

Accession Number: 20101217–5065.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Docket Numbers: RP10–860–001.

Applicants: Tennessee Gas Pipeline Company.

Description: Tennessee Gas Pipeline Company submits tariff filing per 154.203: Compliance to Baseline Filing Volume No. 2 to be effective 6/18/2010.

Filed Date: 12/16/2010.

Accession Number: 20101216–5137.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 11, 2011.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before 5 p.m. Eastern time on the specified comment date. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the "eFiling" link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–849 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 5, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–4124–028.

Applicants: Arizona Public Service Company.

Description: Notice of Non-material Change in Status of Arizona Public Service Company.

Filed Date: 01/05/2011.

Accession Number: 20110105–5047.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER07–553–001.

Applicants: Emera Energy Services Subsidiary No. 1 LLC.

Description: Tariff Numbering Sheet for Emera Energy Services Subsidiary No. 1, LLC, Inc, FERC Electric Tariff, Original Volume No. 1, inception to date.

Filed Date: 01/04/2011.

Accession Number: 20090110–1420.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER10–2578–002.

Applicants: Fox Energy Company, LLC.

Description: Fox Energy Company, LLC submits tariff filing per 35: Compliance Fox Energy Company to be effective 9/10/2010.

Filed Date: 01/04/2011.

Accession Number: 20110104–5084.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER10–2665–002.

Applicants: UNS Electric, Inc.

Description: UNS Electric, Inc. submits tariff filing per 35.17(a):

Request for Withdrawal of OATT Filing in Docket No. ER10–2665–002 to be effective N/A.

Filed Date: 01/04/2011.

Accession Number: 20110104–5031.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2048–001.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per: Supplemental Filing to Correct Image Rendering Issue to be effective 4/1/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5087.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2332–001.

Applicants: UBS AG.

Description: UBS AG submits tariff filing per 35: Supplement to Request for Category 1 Status to be effective 12/10/2010.

Filed Date: 01/04/2011.

Accession Number: 20110104–5101.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2598–001; ER11–2607–001; ER11–2612–001.

Applicants: Sempra Energy Trading LLC, MxEnergy Electric Inc., Gateway Energy Services Corporation.

Description: Notice of Category 1 Seller Status of Sempra Energy Trading LLC, MXenergy Electric Inc., and Gateway Energy Services Corporation.

Filed Date: 01/04/2011.

Accession Number: 20110104–5135.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2619–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Ministerial Filing to Reflect Tariff Language Accepted in ER10–45–001 to be effective 7/26/2010.

Filed Date: 01/04/2011.

Accession Number: 20110104–5078.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2620–000.

Applicants: Community Wind North, LLC.

Description: Community Wind North, LLC submits tariff filing per 35.1: Filing of Jurisdictional Agreement to be effective 1/5/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5079.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2621–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Company submits tariff filing per 35.13(a)(2)(iii: PWRPA Interconnection and WDT Service Agreements to be effective 1/5/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5099.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2622–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: 2010 RTEP December Board Filing to be effective 4/4/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5103.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2623–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. Resource Termination Filing (Energy Curtailment Specialists).

Filed Date: 01/04/2011.

Accession Number: 20110104–5133.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2624–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Notices of Cancellation of Duke Energy Carolinas, LLC.

Filed Date: 01/05/2011.

Accession Number: 20110105–5018.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2626–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Revisions to Correct Tariff Records to be effective 1/1/2011.

Filed Date: 01/05/2011.

Accession Number: 20110105–5036.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2627–000.

Applicants: Blue Spruce Energy Center, LLC.

Description: Blue Spruce Energy Center, LLC submits tariff filing per 35.15: 20110105_Cancel Tariff ID to be effective 12/6/2010.

Filed Date: 01/05/2011.

Accession Number: 20110105–5037.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2628–000.

Applicants: Arizona Public Service Company.

Description: Arizona Public Service Company submits tariff filing per 35: Revise APS's Market-Based Rate Tariff, FERC Electric Tariff, Volume No. 3 to be effective 12/17/2010.

Filed Date: 01/05/2011.

Accession Number: 20110105–5038.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2629–000.

Applicants: Rocky Mountain Energy Center, LLC.

Description: Rocky Mountain Energy Center, LLC submits tariff filing per 35.15: 20110105_Cancel Tariff ID to be effective 12/6/2010.

Filed Date: 01/05/2011.

Accession Number: 20110105–5041.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2630–000.

Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Revisions to the Tariff and Operating Agreement regarding a Late Payment Charge to be effective 4/1/2011.

Filed Date: 01/05/2011.

Accession Number: 20110105–5049.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2631–000.

Applicants: New York Independent System Operator, Inc.

Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: SGIA Among NYISO, NYSEG, and AES ES Westover to be effective 12/9/2010.

Filed Date: 01/05/2011.

Accession Number: 20110105–5092.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2632–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 2060 CPV Keenan II Renewable Energy, LLC GIA to be effective 12/6/2010.

Filed Date: 01/05/2011.

Accession Number: 20110105–5096.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or

protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

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. 2011–900 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 06, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER04–449–023.
Applicants: New York Independent System Operator, Inc.
Description: Compliance Filing of New York Independent System Operator, Inc.
Filed Date: 01/04/2011.
Accession Number: 20110104–5141.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER10–2295–000.
Applicants: WSPP Inc.
Description: Errata to Response to October 26, 2010 Request for Additional Information.
Filed Date: 01/06/2011.
Accession Number: 20110106–5068.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER10–2912–001.
Applicants: Alliance for Cooperative Energy Services.
Description: Notice of Non-Material Change in Status of the Alliance for Cooperative Energy Services Power Marketing LLC.
Filed Date: 01/05/2011.
Accession Number: 20110105–5128.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–1973–001.
Applicants: Wildorado Wind, LLC, Golden Spread Panhandle Wind Ranch, LLC.
Description: Wildorado Wind, LLC submits tariff filing per 35.17(b): Revised Assignment, Contenancy and Common Facilities Agreement with Succession to be effective 10/14/2010.
Filed Date: 12/09/2010.
Accession Number: 20101209–5107.
Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2010.

Docket Numbers: ER11–2159–001.
Applicants: Verso Maine Energy LLC.
Description: Verso Maine Energy LLC submits tariff filing per 35: Amendment to Market-Based Rate Tariff 01062011 to be effective 1/18/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5037.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2620–000.
Applicants: Community Wind North, LLC.
Description: Supplemental Information of Community Wind North, LLC.
Filed Date: 01/05/2011.
Accession Number: 20110105–5048.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2633–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Allegheny Energy Supply Company, LLC submits a request for authorization to make wholesale power sales.
Filed Date: 01/05/2011.
Accession Number: 20110106–0201.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 26, 2011.

Docket Numbers: ER11–2634–000.
Applicants: Nevada Power Company.
Description: Nevada Power Company submits tariff filing per 35.13(a)(2)(iii): Rate Schedule No. 52 Amended & Restated Agreement for Supplemental Power Service to be effective 1/6/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5065.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2635–000.
Applicants: Synergics Roth Rock Wind Energy, LLC.
Description: Synergics Roth Rock Wind Energy, LLC submits tariff filing per 35.1: Baseline Tariff to be effective 1/6/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5082.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2636–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): (8) ATC Notice of Succession to be effective 2/9/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5096.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2637–000.
Applicants: Synergics Roth Rock North Wind Energy, LLC.
Description: Synergics Roth Rock North Wind Energy, LLC submits tariff filing per 35.1: Baseline Tariff to be effective 1/6/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5106.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2638–000.
Applicants: Oak Creek Wind Power, LLC.
Description: Oak Creek Wind Power, LLC submits tariff filing per 35.15: Ridge Crest Wind Partners, LLC Cancellation of MBR Tariff to be effective 9/30/2010.
Filed Date: 01/06/2011.
Accession Number: 20110106–5113.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2639–000.
Applicants: Ridge Crest Wind Partners, LLC.
Description: Ridge Crest Wind Partners, LLC submits tariff filing per 35.1: Ridge Crest Wind Partners, LLC MBR Tariff to be effective 9/30/2010.
Filed Date: 01/06/2011.
Accession Number: 20110106–5115.
Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2640–000.
Applicants: PJM Interconnection, L.L.C.

Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii): Removal of Schedule 9B of the PJM Operating Agreement to be effective 3/7/2011.

Filed Date: 01/06/2011.

Accession Number: 20110106–5118.

Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2641–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Petition for Waiver of Duke Energy Carolinas, LLC.

Filed Date: 12/21/2010.

Accession Number: 20101221–5222.

Comment Date: 5 p.m. Eastern Time on Friday, January 14, 2011.

Docket Numbers: ER11–2642–000.

Applicants: FPL Energy South Dakota Wind, LLC.

Description: FPL Energy South Dakota Wind, LLC submits tariff filing per 35.1: South Dakota Wind Baseline Filing to be effective 1/6/2011.

Filed Date: 01/06/2011.

Accession Number: 20110106–5142.

Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Docket Numbers: ER11–2643–000.

Applicants: Entergy Power Ventures, L.P.

Description: Entergy Power Ventures, L.P. submits tariff filing per 35.15: Cancellation of EPV to be effective 1/1/2011.

Filed Date: 01/06/2011.

Accession Number: 20110106–5143.

Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA10–4–000.

Applicants: Munnsville Wind Farm, LLC; Stoney Creek Wind Farm, LLC.

Description: Site Control Report of Munnsville Wind Farm, LLC, et. al. for Q4 of 2010.

Filed Date: 01/06/2011.

Accession Number: 20110106–5083.

Comment Date: 5 p.m. Eastern Time on Thursday, January 27, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR10–12–000.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing of the North American Electric Reliability Corporation in Response to the Federal Energy Regulatory Commission's September 3, 2010 Order Approving Petition and Directing Compliance Filing.

Filed Date: 12/01/2010.

Accession Number: 20101201–5273.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–899 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

January 4, 2011.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER03–327–009; ER08–447–007; ER08–448–007; ER97–837–014; ER99–3151–017.

Applicants: PSEG Energy Resources & Trade LLC, Public Service Electric and Gas Company, PSEG Power Connecticut LLC; PSEG Fossil LLC; PSEG Nuclear LLC.

Description: PSEG Services Corporation submits their market power analysis in support of their continued eligibility to engage in market-based rates transactions.

Filed Date: 12/30/2010.

Accession Number: 20110103–0205.

Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER03–1340–007; ER05–41–004; ER07–357–008; ER08–1237–004; ER08–1288–007; ER09–1181–003; ER10–2198–002.

Applicants: Fenton Power Partners I, LLC, Wapsipinicon Wind Project, LLC, Shiloh Wind Project 2, LLC, Hoosier Wind Project, LLC, Oasis Power Partners, LLC, Chanarambie Power Partners, LLC, Lakefield Wind Project, LLC.

Description: Notice of Non-Material Change in Status of Chanarambie Power, *et al.*

Filed Date: 01/03/2011.

Accession Number: 20110103–5243.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER05–1232–034.

Applicants: J.P. Morgan Ventures Energy Corporation.

Description: JP Morgan Ventures Energy Corp submits an Updated Market Power Analysis—Order No. 697 Compliance Filing (Part 1 of 2).

Filed Date: 01/03/2011.

Accession Number: 20110103–5244.

Comment Date: 5 p.m. Eastern Time on Friday, March 4, 2011.

Docket Numbers: ER05–1232–034.

Applicants: J.P. Morgan Ventures Energy Corporation.

Description: Updated Mkt Power Analysis—Order 697 Compliance Filing (Part 2 of 2).

Filed Date: 01/03/2011.

Accession Number: 20110103–5252.

Comment Date: 5 p.m. Eastern Time on Friday, March 4, 2011.

Docket Numbers: ER08–836–002; ER10–3049–001; ER10–3051–001.

Applicants: Champion Energy Marketing LLC, Champion Energy Services, LLC, Champion Energy, LLC.
Description: Notice of Change in Status of Champion Energy Marketing LLC, *et al.*
Filed Date: 01/03/2011.
Accession Number: 20110103–5247.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–2988–002.
Applicants: Thompson River Power, LLC.
Description: Thompson River Power, LLC submits tariff filing per 35: Thompson River—Tariff Amendment—seller category provision to be effective 2/28/2011.
Filed Date: 12/30/2010.
Accession Number: 20101230–5191.
Comment Date: 5 p.m. Eastern Time on Thursday, January 20, 2011.

Docket Numbers: ER10–3349–000.
Applicants: Oklahoma Gas and Electric Company.
Description: Oklahoma Gas and Electric Company submits tariff filing per 35.1: Cost Base Formula Rate Agreement to be effective 3/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5000.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3350–000.
Applicants: Carolina Power & Light Company.
Description: Carolina Power & Light Company submits tariff filing per 35: Order No. 676E Compliance filing of Carolina Power and Light Company, to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5001.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3351–000.
Applicants: Florida Power Corporation.
Description: Florida Power Corporation submits tariff filing per 35: Order No. 676E Compliance Filing of Florida Power Corporation to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5002.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3352–000.
Applicants: Tucson Electric Power Company.
Description: Tucson Electric Power Company submits tariff filing per 35: OATT Order No. 676–E Compliance Filing, to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5003.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3353–000.
Applicants: Black Hills/Colorado Electric Utility Company, LP.
Description: Black Hills/Colorado Electric Utility Company, LP submits tariff filing per 35.13(a)(2)(iii: Black Hills/Colorado Electric Utility Company, LP, Attachment and Section 4 to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5005.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3354–000.
Applicants: Black Hills Power, Inc.
Description: Black Hills Power, Inc. submits tariff filing per 35.13(a)(2)(iii: Black Hills Power, Inc., Attachment and Section 4 to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5006.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3355–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: Conway Revised Service Agreements to be effective 1/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5009.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3356–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: West Memphis Revised Agreements to be effective 1/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5010.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–3357–000.
Applicants: Entergy Arkansas, Inc.
Description: Entergy Arkansas, Inc. submits tariff filing per 35.13(a)(2)(iii: Attachment C–729 and 676–E Filing to be effective 4/1/2011.
Filed Date: 01/03/2011.
Accession Number: 20110103–5011.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–1017–002; ER10–1020–002; ER10–1048–003; ER10–1078–002; ER10–1079–002; ER10–1080–002; ER10–1081–002; ER10–1143–002; ER10–1145–002; ER11–2005–002; ER11–2007–001; ER11–2009–002; ER11–2010–002; ER11–2011–002; ER11–2013–002; ER11–2014–002; ER11–2016–001.
Applicants: Exelon Energy Company; Exelon Framingham, LLC; Commonwealth Edison Company; Exelon New Boston, LLC; Exelon New England Power Marketing, Limited; Exelon West Medway, LLC; Exelon Wyman, LLC; PECO Energy Company; Exelon Generation Company, LLC; Wind Capital Holdings, LLC; Tuana Springs Energy, LLC; Michigan Wind 1, LLC; J.D. Wind 4, LLC; Harvest Windfarm, LLC; CR Clearing, LLC; Cow Branch Wind Power, LLC; Cassia Gulch Wind Park, LLC.
Description: Triennial Market Power Update for the Northeast Region of the Exelon MBR Companies.
Filed Date: 12/30/2010.
Accession Number: 20101230–5175.
Comment Date: 5 p.m. Eastern Time on Monday, February 28, 2011.

Docket Numbers: ER10–1671–001; ER10–1702–001; ER10–1713–001; ER10–1726–001; ER10–1727–001; ER10–1828–001; ER10–1829–001; ER10–1830–001; ER10–1831–001; ER10–1832–001; ER10–1833–001; ER10–1834–001; ER10–1835–001; ER10–1869–001; ER10–2144–001; ER10–3143–001.
Applicants: Sabine Cogen, LP, GenOn Bowline, LLC, GenOn Canal, LLC, GenOn Delta, LLC, GenOn Kendall, LLC, GenOn Potrero, LLC, Genon Power Midwest, LP, GenOn REMA, LLC, GenOn Energy Management, LLC, GenOn Chalk Point, LLC, GenOn Mid-Atlantic, LLC, GenOn Potomac River, LLC, GenOn Florida, LP, GenOn West, LP, GenOn Wholesale Generation, LP, RRI Energy Services, LLC.
Description: Notification of Change in Status of GenOn Bowline, LLC, *et al.*
Filed Date: 01/03/2011.
Accession Number: 20110103–5248.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–1877–001; ER10–1942–002; ER10–2042–002.
Applicants: Calpine Energy Services, L.P., Hermiston Power, LLC, Calpine Construction Finance Co., L.P.
Description: Updated Market Power Analysis of Calpine Energy Services, L.P., *et al.*
Filed Date: 01/03/2011.
Accession Number: 20110103–5246.
Comment Date: 5 p.m. Eastern Time on Friday, March 4, 2011.

Docket Numbers: ER10–2179–002; ER10–2181–002; ER10–2182–002.
Applicants: R.E. Ginna Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, Calvert Cliffs Nuclear Power Plant LLC.
Description: Notice of Non-Material Change in Status of Calvert Cliffs Nuclear Power Plant LLC, *et al.*
Filed Date: 01/03/2011.
Accession Number: 20110103–5254.
Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER10–2794–001; ER10–1424–002; ER10–1425–002.

Applicants: EDF Industrial Power Services (IL), LLC, EDF Industrial Power Services (NY), LLC, EDF Trading North America, LLC, Eagle Industrial Power Services (IL), LL.

Description: Notice of Non-Material Change in Status of EDF Trading North America, LLC, *et al.*

Filed Date: 01/03/2011.

Accession Number: 20110103–5250.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2590–000.

Applicants: El Cap II, LLC.

Description: El Cap II, LLC submits a notice of cancellation.

Filed Date: 12/29/2010.

Accession Number: 20101229–0011.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: ER11–2599–001; ER11–2603–001; ER11–2606–001.

Applicants: BIV Generation Company, L.L.C., Colorado Power Partners, Rocky Mountain Power, LLC.

Description: Notice of Category 1 Seller Status of BIV Generation Company, L.L.C., *et al.*

Filed Date: 01/03/2011.

Accession Number: 20110103–5245.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2609–000.

Applicants: Tenaska Washington Partners, L.P.

Description: Tenaska Washington Partners, L.P. submits tariff filing per 35.37: Tenaska Washington Partners, L.P. Request for Category 1 Status to be effective 3/4/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5214.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2610–000.

Applicants: Tenaska Power Services Co.

Description: Tenaska Power Services Co. submits tariff filing per 35.37: Tenaska Power Services Co. Request for Category 1 Status to be effective 3/4/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5220.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2611–000.

Applicants: GenOn Potrero, LLC.

Description: GenOn Potrero, LLC submits tariff filing per 35.13(a)(2)(iii: Notice of Succession—2011 RMR Agreement to be effective 1/1/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5224.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2612–000.

Applicants: MXenergy Electric Inc.

Description: MXenergy Electric Inc. submits tariff filing per 35.13(a)(2)(iii: Revised Seller Request to be effective 3/4/2011.

Filed Date: 01/03/2011.

Accession Number: 20110103–5231.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2613–000.

Applicants: GenOn Potrero, LLC.

Description: Notice of Succession of GenOn Potrero, LLC.

Filed Date: 01/03/2011.

Accession Number: 20110103–5241.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Docket Numbers: ER11–2616–000.

Applicants: UNS Electric, Inc.

Description: UNS Electric, Inc. submits tariff filing per 35: OATT Order No. 676–E Compliance Filing to be effective 4/1/2011.

Filed Date: 01/04/2011.

Accession Number: 20110104–5032.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2617–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: PTO Schedule 20A and Attachment C Revisions to be effective 4/1/2011 under ER11–2617–000 Filing Type: 10

Filed Date: 01/04/2011.

Accession Number: 20110104–5062.

Comment Date: 5 p.m. Eastern Time on Tuesday, January 25, 2011.

Docket Numbers: ER11–2618–000.

Applicants: Front Range Power Company, L.L.C.

Description: Request for Waiver of Front Range Power Company, L.L.C.

Filed Date: 01/03/2011.

Accession Number: 20110103–5253.

Comment Date: 5 p.m. Eastern Time on Monday, January 24, 2011.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR06–1–026.

Applicants: North American Electric Reliability Corporation.

Description: Report of the North American Electric Reliability Corporation and Western Electricity Coordinating Council in Response to August 29, 2009 Commission Order.

Filed Date: 12/23/2010.

Accession Number: 20101223–5174.

Comment Date: 5 p.m. Eastern Time on Thursday, January 13, 2011.

Docket Numbers: RR10–1–004.

Applicants: North American Electric Reliability Corporation.

Description: Compliance Filing of the North American Electric Reliability Corporation in Response to October 1, 2010 Commission Order Concerning Appendix 4D to the NERC Rules of Procedure—Procedure for Requesting and Receiving Technical Feasibility Exceptions.

Filed Date: 12/23/2010.

Accession Number: 20101223–5171.

Comment Date: 5 p.m. Eastern Time on Friday, January 14, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or

call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–898 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings No. 1

January 7, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP11–1685–000.
Applicants: Dauphin Island Gathering Partners.
Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rates 2011–01 to be effective 1/5/2011.
Filed Date: 01/04/2011.
Accession Number: 20110104–5119.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1686–000.
Applicants: Millennium Pipeline Company, LLC.
Description: Annual Penalty Revenue Crediting Report of Millennium Pipeline Company, LLC.
Filed Date: 01/06/2011.
Accession Number: 20110106–5015.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1687–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: Saltville Gas Storage Company L.L.C. submits tariff filing per 154.204: January 6, 2011, Clean-up Filing to be effective 6/14/2010.
Filed Date: 01/06/2011.
Accession Number: 20110106–5017.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1688–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Columbia Gas Transmission, LLC submits tariff filing per 154.203: SIT Compliance with Dec 16, 2010 Order to be effective 2/6/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5029.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1689–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Con Ed-Colonial 2011–01–01 Release to be effective 1/1/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5114.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1690–000.
Applicants: El Paso Natural Gas Company.
Description: El Paso Natural Gas Company submits tariff filing per 154.204: 11.2 Motion for Inflation Rates to be effective 1/1/2011.
Filed Date: 01/06/2011.
Accession Number: 20110106–5134.
Comment Date: 5 p.m. Eastern Time on Tuesday, January 18, 2011.

Docket Numbers: RP11–1691–000.
Applicants: Texas Eastern Transmission, LP.
Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Storage Point MDDO to be effective 2/7/2011.
Filed Date: 01/07/2011.
Accession Number: 20110107–5056.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Docket Numbers: RP11–1692–000.
Applicants: Trunkline Gas Company, LLC.
Description: Trunkline Gas Company, LLC submits tariff filing per 154.204: OBA/Contract Consolidation Provisions to be effective 2/7/2011.
Filed Date: 01/07/2011.
Accession Number: 20110107–5057.
Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–850 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2851–016–New York]

Cellu Tissue Corporation; Notice of Availability of Environmental Assessment

January 11, 2011.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for a subsequent license for the 1,020-kilowatt Natural Dam Hydroelectric Project, located on the Oswegatchie River in St. Lawrence County, New York, and has prepared an Environmental Assessment (EA) for the project.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project with appropriate environmental measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA 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 1–866–208–3676, or for TTY, (202) 502–8659.

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.

Any comments should be filed within 30 days from the issuance date of this notice. 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.

For further information, contact John Baummer at (202) 502–6837.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–913 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–2449–005]

Williams, Barry Lawson; Notice of Filing

January 10, 2011.

Take notice that on January 10, 2011, Barry Lawson Williams submitted for filing, an application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, part 45 of title 18 of the Code of Federal Regulations, 18 CFR part 45 (2010) and 18 CFR 385.204 (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 *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on January 24, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–912 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR11–79–000]

Enogex LLC; Notice of Filing

January 11, 2011.

Take notice that on January 6, 2011, Enogex LLD (Enogex) filed a Statement of Operating Conditions (SOC) applicable to intrastate transportation services. Enogex states that the revisions are solely to reflect the revised fuel tracker mechanism accepted by the Commission in Docket No. PR10–52–000 as more fully described in the filing.

Any person desiring to participate in this rate 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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 7 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 *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–911 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Docket No. PR07–19–002

National Fuel Gas Distribution Corporation; Notice of Motion for Extension of Rate Case Filing Deadline

January 11, 2011.

Take notice that on January 10, 2011, National Fuel Gas Distribution Corporation (National Fuel) filed a request for an extension consistent with the Commission's revised policy of periodic review from a triennial to a five

year period. The Commission in Order No. 735 modified its policy concerning periodic reviews of rates charges by section 311 and Hinshaw pipelines to extend the cycle for such reviews from three to five years.[1] Therefore, National Fuel requests that the date for its next rate filing be extended to February 12, 2013, which is five years from the date of National Fuel's most recent rate filing with this Commission.

Any person desiring to participate in this rate proceeding must file a motion 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 date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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 7 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 *FERC OnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

[1] Contract Reporting Requirements of Intrastate Natural Gas Companies, Order No. 735, 131 FERC ¶ 61,150 (May 20, 2010).

Comment Date: 5 p.m. Eastern Time on Wednesday, January 19, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–910 Filed 1–14–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Interconnection of the Proposed Hyde County Wind Energy Center Project (DOE/EIS–0461), and Proposed Crowned Ridge Wind Energy Center Project (DOE/EIS–0462)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Extension of Scoping Comment Period.

SUMMARY: Western Area Power Administration (Western) published separate Notices of Intent to prepare environmental impact statements (EISs) for the Hyde County Wind Energy Center Project and the Crowned Ridge Wind Energy Center Project in the **Federal Register** on November 30, 2010. Both Notices of Intent specified a 45-day public scoping period, which would end on January 14, 2011. Western received a request for an extension of the public scoping period deadline to January 30, 2010, due to the holidays. Western is granting that request, and by this notice and local advertising is extending the formal scoping period to midnight Monday, January 31, 2011.

DATES: The public scoping period commenced with the publication of the **Federal Register** notices on November 30, 2010, and will, with the extension of time, end on midnight, January 31, 2011. Western will consider all comments on the scope of the EISs received or postmarked by that date. The public is invited to submit comments on either proposed project at any time during the EIS process.

ADDRESSES: Oral or written comments on the scope of either proposed project may be mailed or e-mailed to Matt Marsh, Upper Great Plains Regional Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800, e-mail *MMarsh@wapa.gov,* telephone (800) 358–3415.

FOR FURTHER INFORMATION CONTACT: For additional information on the proposed projects, the EIS process, or to receive a copy of either Draft EIS when they are published, contact Matt Marsh at the address above. For general information on the DOE's NEPA review process, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, telephone (202) 586–4600 or (800) 472–2756, facsimile (202) 586–7031.

SUPPLEMENTARY INFORMATION: NextEra Energy Resources (NextEra) applied to interconnect its proposed 150-megawatt (MW) Hyde County Wind Energy Center Project, located in Hyde County, South Dakota, with the Western's existing Fort Thompson Substation in Buffalo County, South Dakota. NextEra has also applied to interconnect its proposed 150–MW Crowned Ridge Wind Energy Center Project with Western's existing Watertown Substation in Codington County, South Dakota. The proposed Project would be located in Codington and Grant counties, South Dakota. Western is preparing separate EISs on the proposals to interconnect the projects in accordance with NEPA (42 U.S.C. 4321–4347); DOE NEPA Implementing Procedures (10 CFR part 1021); and the CEQ regulations for implementing NEPA (40 CFR parts 1500–1508).[1]

Separate Notices of Intent were published in the **Federal Register** for both proposed projects on November 30, 2010 (75 FR 74040 for Hyde County and 75 FR 74042 for Crowned Ridge). Scoping meetings were held on December 14, 2010, in Highmore, South Dakota, for the Hyde County Project, and on December 15, 2010, in Watertown, South Dakota, for the Crowned Ridge Project. The Notices of Intent specified a 45-day public scoping period, which would end on January 14, 2011. One commenter, writing on his own behalf and that of other area landowners, has requested an extension of the public scoping period deadline to January 30, 2011, due to the holidays. Western is granting that request, and by this notice and local advertising is extending the formal scoping period to midnight Monday, January 31, 2011.

Dated: January 10, 2011.

Timothy J. Meeks,

Administrator.

[FR Doc. 2011–897 Filed 1–14–11; 8:45 am]

BILLING CODE 6450–01–P

[1] On October 4, 1999, DOE's Assistant Secretary for Environmental, Safety and Health delegated to Western's Administrator the authority to approve EISs for integrating transmission facilities with Western's transmission grid.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2010–0777; FRL9253–9; EPA ICR No. 0107.10; OMB Control No. 2096–0096]

Agency Information Collection Activities; Proposed Collection; Comment Request; Air Stationary Source Compliance and Enforcement Information

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on July 31, 2011. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before March 21, 2011.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OECA–2010–0777, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: metcalf.betsy@epa.gov.*
- *Fax:* (202) 501–0411.
- *Mail:* Air Stationary Source Compliance and Enforcement Information, Environmental Protection Agency, *Mailcode:* 2222A, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OECA–2010–0777. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Betsy A. Metcalf, Enforcement Targeting & Data Division, Office of Compliance, (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* (202) 564–5962; *fax number:* (202) 564–0032; *e-mail address: metcalf.betsy@epa.gov .*

SUPPLEMENTARY INFORMATION:

How can I access the docket and/or submit comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OECA–2010–0777, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket and Information Center (ECDIC) 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 ECDIC is 202–566–1752.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

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

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What information collection activity or ICR does this apply to?

Affected entities: Entities potentially affected by this action are State, District,

Local, and Commonwealth governments.

Title: Air Stationary Source Compliance and Enforcement Information.

ICR numbers: EPA ICR No. 0107.10, OMB Control No. 2096–0096.

ICR status: This ICR is currently scheduled to expire on July 31, 2011. 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 collection of air compliance monitoring and enforcement information in the Air Facility System (AFS) provides EPA with the ability to assess progress toward meeting emission requirements developed under the authority of the Clean Air Act (CAA) to protect and maintain the atmospheric environment and public health. Agencies receive delegation of the CAA through regulated grant authorities, and report compliance/enforcement activities undertaken at stationary sources using the Minimum Data Requirements (MDRs) as outlined in the renewal of this ICR. *This renewal requires the continuation of reporting of previously established MDRs with the following changes:*

1. The reporting of North American Industrial Code System (NAICS) codes, instead of Standard Industrial Codes (SIC), in AFS to better align with existing State/EPA data standards. Previous AFS reporting requirements included reporting of either the SIC or NAICS code. Technical assistance for population of NAICS codes will be made available to delegated agencies upon request.

2. Change to reporting Nonattainment Indicators from current values of moderate, extreme and serious to one of three values: A=Attainment, N=Nonattainment, and U=Unclassified. This change is needed to enable AFS to continue supporting management of attainment and nonattainment area data in the manner in which it is classified by EPA's Office of Air and Radiation. EPA can assist with initial population of new indicators in AFS.

The provisions of Section 114(a)(1) of the Clean Air Act, 42 U.S. C Section 7414(a)(1) provide the broad authority for the reporting of compliance monitoring and enforcement information, along with Subpart Q–Reports in 40 CFR 51: Sections 51.324(a) and (b), and 51.327.

Are there Changes in the estimates from the last approval?

EPA anticipates that operational and maintenance costs will increase due to modest inflationary pressures that increase hourly resource costs for management, professional, and related occupational groups. The labor rates used in the ICR estimates will be taken from the Department of Labor Employment Compensation and Costs (ECEC) Web site. These changes will be reflected in the final supporting statement for this ICR. Additionally, the number of respondents will be corrected to reflect 99 respondents, an increase from 93 in the previous ICR resulting in an overall increase in hours and resources for reporting.

What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will be submitted by EPA to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB, and a second opportunity to submit additional comments to OMB. If you have any questions about this ICR, or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**:

Dated: December 21, 2010.

Lisa C. Lund,

Director, Office of Compliance, Office of Enforcement and Compliance Assurance.

[FR Doc. 2011–916 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9254–1]

FY2011 Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the availability of funds.

SUMMARY: EPA's Office of Brownfields and Land Revitalization (OBLR) plans to make available approximately $8 million to supplementally fund Revolving Loan Fund capitalization grants previously awarded competitively under section 104(k)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(k)(3). Brownfields Cleanup Revolving Loan Fund (BCRLF) pilots awarded under section 104(d)(1) of CERCLA that have not transitioned to section 104(k)(3) grants are not eligible to apply for these funds. EPA will consider awarding supplemental funding only to RLF grantees who have demonstrated an ability to deliver programmatic results by making at least one loan or subgrant. The award of these funds is based on the criteria described at CERCLA 104(k)(4)(A)(ii).

The Agency is now accepting requests for supplemental funding from RLF grantees. Requests for funding must be submitted to the appropriate EPA Regional Brownfields Coordinator (listed below) by February 17, 2011. Funding requests for hazardous substances and/or petroleum funding will be accepted. Specific information on submitting a request for RLF supplemental funding is described below and additional information may be obtained by contacting the EPA Regional Brownfields Coordinator.

DATES: This action is effective January 18, 2011.

ADDRESSES: A request for supplemental funding must be in the form of a letter addressed to the appropriate Regional Brownfields Coordinator (*see* listing below) with a copy to Megan Quinn, U.S. EPA, 1200 Pennsylvania Ave., NW., MC: 5105T, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Megan Quinn, U.S. EPA, (202) 566–2773 or the appropriate Brownfields Regional Coordinator.

SUPPLEMENTARY INFORMATION:

Background

The Small Business Liability Relief and Brownfields Revitalization Act added section 104(k) to CERCLA to authorize Federal financial assistance for brownfields revitalization, including grants for assessment, cleanup and job training. Section 104(k) includes a provision for the EPA to, among other things, award grants to eligible entities to capitalize Revolving Loan Funds and to provide loans and subgrants for brownfields cleanup. Section 104(k)(4)(A)(ii) authorizes EPA to make additional grant funds available to RLF grantees for any year after the year for which the initial grant is made

(noncompetitive RLF supplemental funding) taking into consideration:

(I) The number of sites and number of communities that are addressed by the revolving loan fund;

(II) The demand for funding by eligible entities that have not previously received a grant under this subsection;

(III) The demonstrated ability of the eligible entity to use the revolving loan fund to enhance remediation and provide funds on a continuing basis; and

(IV) Such other similar factors as the [Agency] considers appropriate to carry out this subsection.

Eligibility

In order to be considered for supplemental funding, RLF recipients must have made at least one loan or subgrant prior to applying for this supplemental funding. Additionally, the RLF recipient must have significantly depleted existing available funds; demonstrated a need for supplemental funding based on, among other factors, the number of sites that will be addressed; demonstrated the ability to make loans and subgrants for cleanups that can be started and completed expeditiously (*i.e.* "shovel-ready" projects); demonstrated the ability to administer and revolve the capitalization funding in the RLF grant; demonstrated an ability to use the RLF grant to address funding gaps for cleanup; and demonstrated that they have provided a community benefit from past and potential loan(s) and/or subgrant(s). Applicants for supplemental funding must contact the appropriate Regional Brownfields Coordinator below to obtain information on the format for supplemental funding applications for their region. When requesting supplemental funding, applicants must specify whether they are seeking funding for sites contaminated by hazardous substances or petroleum. Applicants may request both types of funding.

REGIONAL CONTACTS

Region & States		Address/Phone number/E-mail
EPA Region 1, Diane Kelley, *Kelley.Diane@epa.gov*	CT, ME, MA, NH, RI, VT	One Congress Street, Suite 1100, Boston, MA 02114–2023, Phone (617) 918–1424, Fax (617) 918–1291.
EPA Region 2, Lya Theodoratos, *Theodoratos.Lya@epa.gov*.	NJ, NY, PR, VI	290 Broadway, 18th Floor, New York, NY 10007, Phone (212) 637–3260, Fax (212) 637–4360.
EPA Region 3, Tom Stolle, *Stolle.Tom@epa.gov*	DE, DC, MD, PA, VA, WV	1650 Arch Street, Mail Code 3HS51, Philadelphia, Pennsylvania 19103, Phone (215) 814–3129, Fax (215) 814–5518.
EPA Region 4, Phil Vorsatz, *Vorsatz.Philip@epa.gov*	AL, FL, GA, KY, MS, NC, SC, TN.	Atlanta Federal Center, 61 Forsyth Street, SW., 10th Floor, Atlanta, GA 30303–8960, Phone (404) 562–8789, Fax (404) 562–8439.
EPA Region 5, Deborah Orr, *Orr.Deborah@epa.gov*	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard, Mail Code SE–4J, Chicago, Illinois 60604–3507, Phone (312) 886–7576, Fax (312) 886–7190.
EPA Region 6, Monica Chapa Smith, *Smith.Monica@epa.gov*.	AR, LA, NM, OK, TX	1445 Ross Avenue, Suite 1200 (6SF–PB), Dallas, Texas 75202–2733, Phone (214) 665–6780, Fax (214) 665–6660.
EPA Region 7, Susan Klein, *Klein.Susan@epa.gov*	IA, KS, MO, NE	901 N. 5th Street, Kansas City, Kansas 66101, Phone (913) 551–7786, Fax (913) 551–8688.
EPA Region 8, Dan Heffernan, *Heffernan.Daniel@epa.gov*.	CO, MT, ND, SC, UT, WY	1595 Wynkoop Street (EPR–B), Denver, CO 80202–1129, Phone (303) 312–7074, Fax (303) 312–6065.
EPA Region 9, Laurie Amaro, *Amaro.Laurie@epa.gov* ...	AZ, CA, HI, NV, AS, GU	75 Hawthorne Street, WST–8, San Francisco, CA 94105, Phone (415) 972–3364, Fax (415) 972–3364.
EPA Region 10, Susan Morales, *Morales.Susan@epa.gov*.	AK, ID, OR, WA	1200 Sixth Avenue, Suite 900, Mailstop: ECL–112 Seattle, WA 98101, Phone (206) 553–7299, Fax (206) 553–0124.

Dated: January 10, 2011.

David R. Lloyd,

Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response.

[FR Doc. 2011–908 Filed 1–14–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

AGENCY: Federal Election Commission.

DATE AND TIME: Wednesday, January 19, 2011, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

Items To Be Discussed

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2011–809 Filed 1–14–11; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Request for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice and request for comment.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC is seeking public comments on its proposal to extend through January 31, 2014, the current PRA clearance for information collection requirements contained in its Rule Governing Pre-Sale Availability of

Written Warranty Terms. This clearance is scheduled to expire on January 31, 2011.

DATES: Comments must be received on or before March 21, 2011.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form, by following the instructions in the Request for Comments to 30-Day Notice part of the **SUPPLEMENTARY INFORMATION** section below. Comments in electronic form should be submitted by using the following Web link: *https://ftcpublic.commentworks.com/ftc/presaleavailabilitypra2* (and following the instructions on the Web-based form). Comments in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580, in the manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Allyson Himelfarb, Investigator, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–286, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–2505.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c).

On September 16, 2010, the Commission sought comment on the information collection requirements associated with the Rule Governing Pre-Sale Availability of Written Warranty Terms, (the Pre-Sale Availability Rule), 16 CFR 702. No comments were received. Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule (OMB Control No. 3084–0112). All comments should be filed as prescribed below, and must be received on or before February 17, 2011.

The Pre-Sale Availability Rule is one of three rules [1] that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act).[2] The Pre-Sale Availability Rule requires sellers and warrantors to make the text of any written warranty on a consumer product costing more than $15 available to the consumer before sale. Among other things, the Rule requires sellers to make the text of the warranty readily available either by (1) displaying it in close proximity to the product or (2) furnishing it on request and posting signs in prominent locations advising consumers that the warranty is available. The Rule requires warrantors to provide materials to enable sellers to comply with the Rule's requirements and also sets out the methods by which warranty information can be made available before the sale if the product is sold through catalogs, mail order, or door-to-door sales.

Request for Comments

Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to ''Pre-Sale Availability Rule: Paperwork Comment, FTC File No. P044403'' to facilitate the organization of comments. Please note that your comment—including your name and your State—will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at (*http://www.ftc.gov/os/publiccomments.shtm*).

Please also note that because your comments will be made public, you are solely responsible for ensuring that it does not include any sensitive personal information, such as any individual's Social Security number, date of birth, driver's license number or other State identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. It is also your own responsibility to ensure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential * * *,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). No comment, whether it contains such material or not, will be given confidential treatment unless the comment has been filed with the FTC Secretary; the comment is accompanied by a written confidentiality request that complies fully with FTC Rule 4.9(c), 16 CFR 4.9(c);[3] and the General Counsel, in his or her sole discretion, has determined to grant the request in accordance with applicable law and the public interest.

Because postal mail addressed to the FTC is subject to delay due to heightened security screening, please submit your comments in electronic form or send them by courier or overnight service. To ensure that the Commission considers an electronic comment, you must file it at *https://ftcpublic.commentworks.com/ftc/presaleavailabilitypra2,* by following the instructions on the Web-based form. If this Notice appears at *http://www.regulations.gov,* you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Web site at *http://www.ftc.gov* to read the Notice and the news release describing it.

A comment filed in paper form should include the ''Pre-Sale Availability Rule: Paperwork Comment, FTC File No. P044403'' reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

Comments on any proposed recordkeeping, or disclosure requirements that are subject to Paperwork Reduction Act review by the OMB should additionally be submitted via facsimile to OMB at (202) 395–5167 and addressed as follows: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Trade Commission. Facsimile

[1] The other two rules relate to the information that must appear in a written warranty on a consumer product costing more than $15 if a warranty is offered and minimum standards for informal dispute settlement mechanisms that are incorporated into a written warranty.

[2] 40 FR 60168 (Dec. 31, 1975).

[3] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

submission is preferred over U.S. postal mail delivery by the OMB, as the latter type of delivery is subject to delays due to heightened security precautions. Still, in case it is needed, the OMB mail address is: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503. The OMB requests that any comment filed in paper form be sent by courier or overnight service, if possible.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before the deadline specified above in the **DATES** section, whether filed in paper or electronic form. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Pre-Sale Availability Rule Burden Statement: Total annual hours burden: 2,490,000 rounded to the nearest thousand.

In its 2007 submission to OMB, FTC staff estimated that the information collection burden of making the disclosures required by the Pre-Sale Availability Rule was approximately 2,328,000 hours per year. Although there has been no change in the Rule's information collection requirements since 2007, staff has adjusted its previous estimate of the number of manufacturers subject to the Rule based on recent Census data. From that, staff now estimates that there are approximately 478 large manufacturers and 15,444 small manufacturers subject to the Rule. In addition, recent Census data suggests that there are an estimated 6,892 large retailers and 452,553 small retailers impacted by the Rule.

In its 2007 submission to OMB, staff took note that some online retailers had begun to make warranty information directly available on their Web sites, thereby reducing their paperwork burden under the Rule. As e-commerce continues to grow, it is likely that even more retailers are posting warranty information online than they were in 2007. Nevertheless, because the staff assumes that only a small percentage of retailers would be significantly less burdened by posting warranty information online—namely, retailers with a large Internet presence or whose inventory is mainly composed of warranted products [4]—the staff has retained its previous estimates of the hour burden for retailers. Therefore, staff continues to estimate that large retailers spend an average of 20.8 hours per year and small retailers spend an average 4.8 hours per year to comply with the Rule.[5] Accordingly, the total annual burden for retailers is approximately 2,315,608 hours ((6,892 large retailers × 20.8 burden hours) + (452,553 small retailers × 4.8 burden hours)).

Staff also estimates that more manufacturers are beginning to provide retailers with warranty information in electronic form in fulfilling their obligations under the Rule. Therefore, staff finds it necessary at this time to adjust the hour burden for manufacturers as it did with retailers in its previous submission to OMB. Applying a 20% reduction to its previous estimates, the staff now assumes that large manufacturers spend an average of 42 hours per year and that small manufacturers spend an average of 10 hours per year to comply with the Rule.[6] Accordingly, the total annual burden incurred by manufacturers is approximately 174,516 hours ((478 large manufacturers × 42 hours) + (15,444 small manufacturers × 10 hours)).

Thus, the total annual burden for all covered entities is approximately 2,490,124 hours (2,315,608 hours for retailers + 174,516 hours for manufacturers).

Total annual labor cost: $47,000,000 rounded to the nearest thousand.

The work required to comply with the Pre-Sale Availability Rule entails a mix of clerical work and work performed by sales associates. Staff estimates that half of the total burden hours would likely be performed by sales associates. At the manufacturing level, this work would entail ensuring that the written warranty accompanies every consumer product or that the required warranty information otherwise gets to the retailer. At the retail level, this work would entail ensuring that the written warranty is made available to the consumer prior to sale. The remaining half of the work required to comply with the Pre-Sale Availability Rule is clerical in nature, e.g., shipping or otherwise providing copies of manufacturer warranties to retailers and retailer maintenance of them. Applying a sales associate wage rate of $22/hour to half of the burden hours and a clerical wage rate of $16/hour to half of the burden hours, the total annual labor cost burden is approximately $47,312,356 (1,245,062 hours × $22 per hour) + (1,245,062 hours × $16 per hour).[7]

Total annual capital or other non-labor costs: De minimis.

The vast majority of retailers and warrantors already have developed systems to provide the information the Rule requires. Compliance by retailers typically entails keeping warranties on file, in binders or otherwise, and posting an inexpensive sign indicating warranty availability. Manufacturer compliance entails providing retailers with a copy of the warranties included with their products.

Willard K. Tom,

General Counsel.

[FR Doc. 2011–929 Filed 1–14–11; 8:45 am]

BILLING CODE 6750–01–P

[4] In addition, many online retailers also operate ''brick-and-mortar'' operations and still provide paper copies of warranties for review by customers who do not do business online.

[5] FTC staff recently contacted representatives from two retailer associations—the National Retail Federation and the North American Retail Dealers Association—but we have not received any additional information that indicated we need to update the hours estimates.

[6] FTC staff recently contacted representatives from the Association of International Automobile Manufacturers, but we have not received any additional information that indicated we need to further adjust the current hour estimates.

[7] The wage rate used in this Notice reflect recent data from the Bureau of Labor Statistics National Compensation Survey (*http://www.bls.gov/ncs/ocs/sp/nctb1346.pdf*).

FEDERAL TRADE COMMISSION

[File No. 102 3064]

Nonprofit Management LLC and Jeremy Ryan Claeys; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before February 11, 2011.

ADDRESSES: Interested parties are invited to submit written comments electronically or in paper form. Comments should refer to "Tested Green, File No. 102 3064" to facilitate the organization of comments. Please note that your comment—including

your name and your state—will be placed on the public record of this proceeding, including on the publicly accessible FTC Web site, at *http://www.ftc.gov/os/publiccomments.shtm.*

Because comments will be made public, they should not include any sensitive personal information, such as an individual's Social Security Number; date of birth; driver's license number or other State identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. Comments also should not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, comments should not include any "[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential * * *," as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and Commission Rule 4.10(a)(2), 16 CFR 4.10(a)(2). Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c), 16 CFR 4.9(c).[1]

Because paper mail addressed to the FTC is subject to delay due to heightened security screening, please consider submitting your comments in electronic form. Comments filed in electronic form should be submitted by using the following Web link: *https://ftcpublic.commentworks.com/ftc/testedgreen* and following the instructions on the Web-based form. To ensure that the Commission considers an electronic comment, you must file it on the Web-based form at the Web link: *https://ftcpublic.commentworks.com/ftc/testedgreen.* If this Notice appears at *http://www.regulations.gov/search/index.jsp,* you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Web site at *http://www.ftc.gov/* to read the Notice and the news release describing it.

A comment filed in paper form should include the "Tested Green, File No. 102 3064" reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H–135 (Annex D), 600 Pennsylvania Avenue, NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The Federal Trade Commission Act ("FTC Act") and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

FOR FURTHER INFORMATION CONTACT: Elsie B. Kappler (202–326–2466), Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 11, 2011), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an Agreement Containing Consent Order from Nonprofit Management LLC and Jeremy Ryan Claeys, also doing business as Tested Green (''respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement's proposed order.

This matter involves the advertising, marketing, and sale of environmental certifications. From approximately February 2009 to April 2010, respondents marketed the Tested Green certification using their Web site, *http://www.testedgreen.com,* as well as mass e-mails linking to their Web site. The marketing claimed that Tested Green was the "nation's leading certification program with over 45,000 certifications in the United States." However, respondents never tested any of the companies to which they issued certifications, and certified anyone willing to pay a designated fee of either $189.95 for a "Rapid" certification, or $549.95 for a "Pro" certification. Immediately upon certifying companies, respondents provided them with HTML text for the Tested Green logo and a "certification verification page" that they could, in turn, use to advertise their Tested Green certified status. Respondents also claimed that Tested Green was endorsed by the National Green Business Association ("NGBA") and the National Association of Government Contractors ("NAGC"), two organizations which they own and operate.

The Commission alleges that the Tested Green certification constituted an express or implied representation that the products, services, programs, or entities bearing the certification had been independently and objectively evaluated based on their environmental attributes or benefits, when, in fact, they had not. Additionally, by furnishing businesses with the certification and the tools to advertise it, respondents provided such businesses with the

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

means and instrumentalities for the commission of deceptive acts and practices, and accordingly, themselves committed a deceptive act in violation of Section 5 of the FTC Act.

The Commission also alleges that by stating that the NGBA and the NAGC endorsed Tested Green, respondents represented expressly or impliedly that they were independent from these organizations, when, in fact, they own and operate NGBA and NAGC. Therefore, respondents' statement of endorsement by NGBA and NAGC was false and misleading, in violation of Section 5. Similarly, in light of respondents' express and implied representation that these organizations were independent, respondents' failure to disclose their relationship to NGBA and NAGC was deceptive, in violation of Section 5.

Part I of the proposed order prohibits respondents from misrepresenting: (1) The fact that, or degree to which, they have, or a third party has, evaluated a product, package, service, practice, or program based on its environmental benefits or attributes; (2) that respondents have, or a third party has, the appropriate expertise to evaluate the environmental benefits or attributes of a product, package, service, practice, or program; (3) the number of certifications issued by respondents; and (4) that a product, package, certification, service, practice, or program is endorsed by an independent person or organization.

Part II of the proposed order bars respondents, in connection with the labeling, advertising, marketing, promotion, offering for sale, sale, or distribution of any product, package, certification, service, practice, or program, from providing others with the means and instrumentalities to make, expressly or impliedly, any false or misleading statement.

Part III of the proposed order bars respondents from making any representation, expressly or by implication, about any user or endorser of a product, package, certification, service, practice, or program, unless they clearly and prominently disclose a material connection with such user or endorser, where one exists.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IV requires respondents to retain documents relating to their compliance with the order. Part V requires dissemination of the order to all current and future principals, officers, directors, managers, employees, agents, and representatives having responsibilities relating to the subject matter of the order. Part VI ensures notification to the FTC of changes in respondent Nonprofit Management's corporate status. Part VII mandates that respondent Claeys notify the FTC of any changes in his business affiliations or employment. Part VIII mandates that respondents submit a report to the Commission detailing their compliance with the order. Part IX provides that the order expires after twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2011–926 Filed 1–14–11; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Vaccine Advisory Committee

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the National Vaccine Advisory Committee (NVAC) will hold a meeting. The meeting is open to the public. Pre-registration is required for both public attendance and comment. Individuals who wish to attend the meeting and/or participate in the public comment session should either e-mail *nvpo@hhs.gov* or call 202–690–5566 to register and provide name, organization, and e-mail address.

DATES: The meeting will be held on February 16, 2011 from 8:30 a.m. to 5 p.m., EDT, and February 17, 2011 from 8:30 am to 4 p.m., EDT.

ADDRESSES: Department of Health and Human Services; Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, Department of Health and Human Services, Room 715–H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201. Phone: (202) 690–5566; Fax: (202) 260–1165; e-mail: *nvpo@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 2101 of the Public Health Service Act (42 U.S.C. 300aa–1), the Secretary of Health and Human Services was mandated to establish the National Vaccine Program to achieve optimal prevention of human infectious diseases through immunization and to achieve optimal prevention against adverse reactions to vaccines. The National Vaccine Advisory Committee was established to provide advice and make recommendations to the Director of the National Vaccine Program on matters related to the program's responsibilities. The Assistant Secretary for Health serves as Director of the National Vaccine Program.

Topics to be discussed at the meeting include the National Vaccine Plan, Influenza 2010–2011 Season, H1N1 Vaccine Safety, and other related issues. The meeting agenda will be posted on the Web site: *http://www.hhs.gov/nvpo/nvac* at least one week prior to the meeting. Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the National Vaccine Program Office at the address/phone listed above at least one week prior to the meeting. Members of the public will have the opportunity to provide comments at the meeting. Public comment will be limited to five minutes per speaker. Individuals who would like to submit written statements should e-mail or fax their comments to the National Vaccine Program Office at least five business days prior to the meeting.

Dated: January 7, 2011.

Bruce Gellin,

Deputy Assistant Secretary for Health, Director, National Vaccine Program Office.

[FR Doc. 2011–868 Filed 1–14–11; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HIT Policy Committee's Meaningful Use Workgroup Meetings; Notice of Meetings and Request for Comments

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

ACTION: Notice of Meetings and request for comments.

This notice announces the forthcoming subcommittee meetings of a Federal advisory committee of the Office of the National Coordinator for Health Information Technology (ONC). The meeting will be open to the public.

Name of Subcommittee: HIT Policy Committee Meaningful Use Workgroup.

General Function of the Subcommittee: to provide recommendations to the HIT Policy Committee on recommendations it should consider issuing to the National Coordinator on future stages of meaningful use.

Date and Time: The Meaningful Use Workgroup will hold the following public meetings between January and March (dates past March have not yet been determined):

- Tuesday, March 8, 2011, 10 a.m. to 1 p.m./EDT;
- Tuesday, March 22, 2011, 10 a.m. to 1 p.m./EDT;
- Early April, 2011, date and time TBD.

Location: All workgroup meetings will be available via webcast; visit *http://healthit.hhs.gov* for instructions on how to listen via telephone or Web. Please check the ONC Web site for additional information as it becomes available.

Contact Person: Judy Sparrow, Office of the National Coordinator, HHS, 330 C Street, SW., Washington, DC 20201, 202–205–4528, Fax: 202–690–6079, e-mail: *judy.sparrow@hhs.gov*. Please call the contact person for up-to-date information on these meetings. A notice in the **Federal Register** about last minute modifications that affect a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice.

Agenda: At each meeting, the Meaningful Use Workgroup will engage in discussions regarding the recommendations it should make to the HIT Policy Committee relative to meaningful use Stage 2.

Procedure: In order to inform its deliberations, the Meaningful Use Workgroup is seeking comments particularly on proposed stage 2 measures from the public on a draft document of preliminary recommendations it has developed. Please refer to ONC's Web site at *http://healthit.hhs.gov* to access this draft document and for more information about how to submit comments.

Persons attending ONC's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

ONC welcomes the attendance of the public at its advisory committee meetings. Seating is limited at the location, and ONC will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Judy Sparrow at least seven (7) days in advance of the meeting.

ONC is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://healthit.hhs.gov* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App. 2).

Dated: January 11, 2011.

Judith Sparrow,

Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 2011–885 Filed 1–12–11; 4:15 pm]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "Barriers to Meaningful Use in Medicaid." In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by March 21, 2011.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by e-mail at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Barriers to Meaningful Use in Medicaid

The Health Information Technology for Economic and Clinical Health (HITECH) Act, Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5), provides for financial incentives for Medicaid providers to adopt and meaningfully use certified electronic health record (EHR) technologies. To ensure that eligible professionals (EPs) are able to qualify for and access these incentives, AHRQ proposes a two-year project with the objective of understanding the barriers that Medicaid health providers encounter along the way to achieving the meaningful use of EHRs. This proposed information collection will allow AHRQ to synthesize knowledge regarding the barriers that BPs encounter when attempting to achieve meaningful use and translate that knowledge to develop technical assistance and support implementation and use of EHRs.

Further, health care providers who serve Medicaid beneficiaries are serving many of AHRQ's priority populations: Inner city; rural; low income; minority; women; children; elderly; and those with special health care needs. The project is designed to solicit actionable recommendations on what activities can best help Medicaid providers take advantage of incentive payments, achieve meaningful use, and ultimately use health IT to improve health care for the Medicaid population. The information gathered under this project will also be used to inform the development of the Stage 2 and 3 Meaningful Use criteria.

In order to gather, analyze, and synthesize information on the barriers to the meaningful use criteria experienced by Medicaid providers this research has the following goals:

(1) Identify the barriers to eligibility for the incentive payments; barriers to adoption, implementation, or upgrading of ERR systems; and barriers to achieving meaningful use.

(2) Develop actionable recommendations to overcoming the barriers identified in #1 above, including, but not limited to, technical assistance that could be made available to Medicaid providers.

(3) Provide data to inform the meaningful use objectives being developed by the Center for Medicare & Medicaid Services (CMS) for Stages 2 and 3 of the EHR Incentive Program.

This study is being conducted by AHRQ through its contractor, RTI International, pursuant to AHRQ's statutory authority to conduct and support research to advance both training for health care practitioners in the use of information systems and the use of computer-based health records. 42 U.S.C. 299b–3(a)(2) and (6).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) A screening questionnaire will be used to identify eligible participants, as part of the sampling procedure for the focus groups. Appended to the screening questionnaire is a series of questions for individuals who have agreed to participate in the focus groups, in order to collect descriptive and demographic information prior to the focus group session, and as part of the analysis plan.

(2) Nine focus groups will include 6–11 EPs per group, containing a mix of pediatricians, other physicians, dentists, nurse practitioners, and certified nurse midwives. Focus groups with community health center (CHC) and rural health center (RHC)-based providers will also include physician assistants and administrators. Four of the focus groups will include providers in private practice (excluding dentists), an additional four will include providers working in CHCs or RHCs, and the final group will be comprised of private practice dentists. Private practice dentists are being considered separately due to the fact that their practice patterns are likely to vary substantially from those of primary care physicians and non-physician providers. The purpose of these focus groups is to gather information about adoption issues (factors in the decision to adopt an EHR), implementation issues (organizational or environmental factors that facilitate EHR implementation and training), upgrade issues (challenges to transitioning to certified EHRs), and challenges to achieving meaningful use of ERRS as defined for Stage 1 in the final rule for the Medicare and Medicaid ERR Incentive Program (75 FR 44314) (particular functions that are problematic, the source of the challenge). Responses will also address topics related to participants' knowledge of the ERR incentive program and other factors that may facilitate EHR use. The focus group moderator will use a moderator's guide to guide discussion. Show cards will provide key reminders of content for discussion.

The information will be used to develop actionable recommendations to overcoming barriers to meaningful use of EHRs for Medicaid providers, including but not limited to technical assistance that could be made available to Medicaid providers. Furthermore, the data gathered through this research will inform the meaningful use objectives being developed by CMS for Stages 2 and 3 of the EHR Incentive Program. Three types of information will be collected: List of potential focus group participants, descriptive and demographic information about focus group participants, and the information gathered at each focus group related to the barriers to meaningful use. The information will be synthesized to provide information to the Federal government to inform the future meaningful use regulations and understand any disparities potentially resulting from the implementation of the incentive programs.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this research. The screening questionnaire will be completed by 300 clinicians and will take 12 minutes to complete on average. Focus groups will be conducted with not more than 89 clinicians and will last about 2 hours. The total annual burden hours are estimated to be 238 hours.

Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to participate in this research. The total annual cost burden is estimated to be $15,902.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Screening Questionnaire	300	1	12/60	60
Focus Groups	89	1	2	178
Total	389	na	na	238

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Screening Questionnaire	300	60	66.82	$4,009
Focus Groups	89	178	66.82	11,893
Total	389	238	na	15,902

* Hourly wage rate is the weighted average of hourly rates of the types of professionals who will be participating in the focus groups. The weighted average includes the following occupational codes and wage rates: 29–1065 (Pediatricians, General), $78.67; 29–1069 (Physicians and Surgeons, All Other), $97.35; 29–1021 (Dentists, General), $76.61; 29–1111 (Registered Nurses), $32.35; 11–9111 (Medical and Health Services Managers), $40.85; 29–1071 (Physician Assistants), $41.86. Source: "National Compensation Survey: Occupational wages in the United States 2009," U.S. Department of Labor, Bureau of Labor Statistics.

Estimated Annual Costs to the Federal Government

Exhibit 3 shows the estimated total and annualized cost to the government for conducting this research. The total cost is estimated to be $424,493.

EXHIBIT 3—ESTIMATED TOTAL AND ANNUALIZED COST

Cost component	Total cost	Annualized cost
Project Development	$79,313	$39,657
Data Collection Activities	99,464	49,732
Data Processing and Analysis	49,732	24,866
Publication of Results	38,415	19,208
Project Management	37,601	18,801
Overhead	119,968	59,984
Total	424,493	212,247

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, comments on AHRQs information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: January 4, 2011.

Carolyn M. Clancy,

Director.

[FR Doc. 2011–410 Filed 1–14–11; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, January 24, 2011, 5 p.m. to January 26, 2011, 5 p.m., Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli RD, Bethesda, MD, 20852 which was published in the **Federal Register** on November 24, 2010, 75 FR 71713.

This notice is amending the meeting from three days to two days. The new date and time of this meeting is January 25, 2011, 8 a.m. to January 26, 2011, 5 p.m. The meeting is closed to the public.

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–875 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Eye Council, January 20, 2011, 8:30 a.m. to 12 p.m. for Open session and 1:15 p.m. to adjournment for Closed Session, National Institutes of Health, 5635 Fishers Lane, Terrace Level Conference Center, Bethesda, MD 20892 which was published in the **Federal Register** on December 8, 2010, Vol. 75; Number 235–76474.

The meeting will be on January 20, 2011, 8:30 a.m. to 11 a.m. Open session and 11 a.m. to adjournment for Closed Session.

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–878 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel R01.

Date: February 4, 2011.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20817. (Telephone Conference Call.)

Contact Person: Zoe H. Huang, MD, Scientific Review Officer, Extramural Programs, National Library of Medicine, NIH, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–881 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Eye Institute, including consideration of personnel qualifications and performances, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Eye Institute.

Date: February 27–March 1, 2011.

Time: 7 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheldon S. Miller, PhD, Scientific Director, National Institutes of Health, National Eye Institute, Bethesda, MD 20892, (301) 451–6763.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nei.nih.gov*, where an agenda and any additional information will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–880 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; PSI Materials Repository Review.

Date: February 11, 2011.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN18, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Brian R. Pike, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18K, Bethesda, MD 20892, 301–594–3907, *pikbr@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: January 11, 2011.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–877 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Advisory Board, February 7, 2011, 6:30 p.m. to February 9, 2011, 12 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on December 29, 2010, 75 FR 82035.

This notice is being amended to cancel the Subcommittee on Clinical Investigations meeting on February 7, 2011 from 6:30 p.m. to 8 p.m. and to cancel the National Cancer Advisory Board Meeting on February 9, 2011 from 9 a.m. to 12 p.m. The meeting will be open to the public on February 8, 2011 from 9 a.m. to 3:15 p.m. and the closed session will be from 3:30 p.m. to 5 p.m. The meeting is partially closed to the public.

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–872 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Oral Microbiology.

Date: January 27–28, 2011.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting.)

Contact Person: Baljit S. Moonga, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Risk Prevention and Health Behavior.

Date: February 2, 2011.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Claire E. Gutkin, *PhD,* MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: February 7–8, 2011.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Deborah L. Lewis, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Development and Disease Study Section.

Date: February 9–10, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Delfina, 530 West Pico Boulevard, Santa Monica, CA 90405.

Contact Person: Priscilla B. Chen, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787. *chenp@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.

Date: February 9–10, 2011.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco, 501 Geary Street, San Francisco, CA 94102.

Contact Person: Laurent Taupenot, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–435–1203. *taupenol@csr.nih.gov.*

Name of Committee: Immunology Integrated Review Group; Innate Immunity and Inflammation Study Section.

Date: February 10–11, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites Santa Monica Hotel, 1707 Fourth Street, Santa Monica, CA 90401.

Contact Person: Tina McIntyre, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892. 301–594–6375. *mcintyrt@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

Date: February 11, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Marina del Rey Hotel, 13534 Bali Way, Marina del Rey, CA 90292.

Contact Person: Fouad A El-Zaatari, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892. (301) 435–1149. *elzaataf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR08–130: International Research in Infectious Diseases including AIDS (IRIDA).

Date: February 11, 2011.

Time: 1 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Marina del Rey Hotel, 1354 Bali Way, Marina del Rey, CA 90292.

Contact Person: Soheyla Saadi, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3211, MSC 7808, Bethesda, MD 20892. 301–435–0903. *saadisoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative: Cardiovascular Disease and Epidemiology.

Date: February 11, 2011.

Time: 12 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: J Scott Osborne, *PhD,* Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892. (301) 435–1782. *osbornes@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 11, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–871 Filed 1–14–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2010–0087]

RIN 1601–ZA09

Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration Services (USCIS) may approve petitions for H–2A and H–2B nonimmigrant status only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. That notice must be renewed each year. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 53 countries whose nationals are eligible to participate in the H–2A and H–2B programs for the coming year.

DATES: *Effective Date:* This notice is effective January 18, 2011, and shall be without effect at the end of one year after January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Alexander Hartman, Office of Policy, Department of Homeland Security, Washington, DC 20528, (202) 282–9820.

SUPPLEMENTARY INFORMATION: *Background:* USCIS generally may approve H–2A and H–2B petitions only for nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries. Such designation must be published as a notice in the **Federal Register** and expires after one year. USCIS may, however, allow a national from a country not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that such participation is in the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F) and 8 CFR 214.2(h)(6)(i)(E).

In designating countries to include on the list, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) The country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders

of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1).

In December 2008, DHS published in the **Federal Register** two notices, "Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A Visa Program," and "Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2B Visa Program," which designated 28 countries whose nationals are eligible to participate in the H–2A and H–2B programs. *See* 73 FR 77043 (Dec. 18, 2008); 73 FR 77729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2010 and January 18, 2010, respectively. *See* 8 CFR 214.2(h)(5)(i)(F)(2) and 8 CFR 214.2(h)(6)(i)(E)(3).

To allow for the continued operation of the H–2A and H–2B programs, the Secretary of Homeland Security published, with the concurrence of the Secretary of State, a notice in the **Federal Register** on January 19, 2010, "Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Programs." The notice provided for the continued eligibility of the 28 countries initially listed in the **Federal Register** notices of January 17 and January 18, 2009, and added 11 additional countries. *See* 75 FR 2879 (Jan. 19, 2010).

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 38 countries previously designated in the January 19, 2010 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A and H–2B programs. The Secretary of Homeland Security has determined, however, with the concurrence of the Secretary of State, that Indonesia should no longer continue to be designated as an eligible country because Indonesia is not meeting the standards set out in the regulation. *See* 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1). Accordingly, DHS has removed Indonesia from the list of eligible countries.

Further, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has determined that it is now appropriate to add 15 additional countries to the list of countries whose nationals are eligible to participate in the H–2A and H–2B programs. This determination is made taking into account the four factors identified above. The Secretary of Homeland Security considered other pertinent factors including, but not limited to, evidence of past usage of the H–2A and H–2B programs by nationals of the countries to be added, as well as evidence relating to the economic impact on particular U.S. industries or regions resulting from the addition or continued non-inclusion of specific countries. In consideration of all of the above, this notice designates for the first time Barbados, Estonia, Fiji, Hungary, Kiribati, Latvia, Macedonia, Nauru, Papua New Guinea, Samoa, Slovenia, Solomon Islands, Tonga, Tuvalu, and Vanuatu as countries whose nationals are eligible to participate in the H–2A and H–2B programs.

Designation of Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), and 215(a)(1) and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I have designated, with the concurrence of the Secretary of State, that nationals from the following countries are eligible to participate in the H–2A and H–2B nonimmigrant worker programs:

Argentina
Australia
Barbados
Belize
Brazil
Bulgaria
Canada
Chile
Costa Rica
Croatia
Dominican Republic
Ecuador
El Salvador
Estonia
Ethiopia
Fiji
Guatemala
Honduras
Hungary
Ireland
Israel
Jamaica
Japan
Kiribati
Latvia
Lithuania
Macedonia
Mexico
Moldova
Nauru
The Netherlands
Nicaragua
New Zealand
Norway
Papua New Guinea
Peru
Philippines
Poland
Romania
Samoa
Serbia
Slovakia
Slovenia
Solomon Islands
South Africa
South Korea
Tonga
Turkey
Tuvalu
Ukraine
United Kingdom
Uruguay
Vanuatu

This notice does not affect the status of aliens who currently hold valid H–2A or H–2B nonimmigrant status.

Nothing in this notice limits the authority of the Secretary of Homeland Security or her designee or any other Federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

Janet Napolitano,

Secretary.

[FR Doc. 2011–646 Filed 1–14–11; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–1116]

Houston/Galveston Navigation Safety Advisory Committee; Meetings

AGENCY: Coast Guard, DHS.

ACTION: Notice of Meetings.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee ("HOGANSAC" or "the Committee") and its working groups will meet in Texas City, Texas and Houston, Texas to discuss waterway improvements, aids to navigation, area projects impacting safety on the Houston Ship Channel, and various other navigation safety matters in the Galveston Bay area. These meetings will be open to the public.

DATES: The Committee will meet on Thursday February 3, 2011 from 9 a.m. to noon. The Committee's working groups will meet on Thursday January 20, 2011 from 9 a.m. to noon. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before January 19, 2011. Requests to have a copy of your material distributed

to each member of the committee or subcommittee should reach the Coast Guard on or before January 19, 2011.

ADDRESSES: The Committee will meet on February 3, 2011 at U.S. Coast Guard Marine Safety Unit Texas City, 3101 FM 2004, Texas City, Texas 77591. The working groups will meet January 20, 2011 at West Gulf Maritime Association (WGMA) offices, 1717 East Loop, Suite 200, Houston, Texas 77029. Send written material and requests to make oral presentations to Commander Michael Zidik, Assistant Designated Federal Officer (ADFO) of HOGANSAC. This notice and documents identified in the **SUPPLEMENTARY INFORMATION** section as being available in the docket may be viewed in our online docket, USCG–2010–1116, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the meeting, please call or e-mail Lieutenant Junior Grade Margaret Brown, Waterways Management Branch, Coast Guard; telephone 713–678–9001, e-mail *Margaret.A.Brown@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463).

Agenda of Meetings

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC)

The tentative agenda for the Committee is as follows:

(1) Opening Remarks by the Designated Federal Officer (CAPT Woodring) and Committee Chair (Mrs. Tava Foret).

(2) Approval of September 23, 2010 minutes.

(3) Old Business.

(a) Navigation Operations subcommittee report;

(b) Dredging subcommittee report;

(c) Technology subcommittee report;

(d) Waterways Safety and Utilization subcommittee report;

(e) Commercial Recovery Contingency (CRC) subcommittee report;

(f) HOGANSAC Outreach subcommittee report;

(g) State of the Waterway report;

(h) Area Maritime Security Committee (AMSC) Liaison's report.

(4) New Business.

(a) Discussion on 2011 AMSC/HSC Conference.

(b) Action items recommended for consideration by a Working Group.

(5) Announcements.

(a) Schedule Next Meetings.

Working Groups Meeting. The tentative agenda for the working groups meeting is as follows:

(1) Presentation by each working group of its accomplishments and plans for the future;

(2) Review and discuss the work completed by each working group;

(3) Put forth any action items for consideration at full committee meeting.

Procedural

Both meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chairs' discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the ADFO no later than January 19, 2011. Written material for distribution at a meeting should reach the Coast Guard no later than January 19, 2011. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of a meeting, please submit 15 copies to the ADFO no later than January 19, 2011.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Lieutenant Junior Grade Margaret Brown as soon as possible.

Dated: December 28, 2010.

M.E. Woodring,

Captain, U.S. Coast Guard, Commander, Sector Houston-Galveston.

[FR Doc. 2011–1023 Filed 1–13–11; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–1130]

Notice of Cancellation of Public Meeting on the International Maritime Organization Guidelines for Exhaust Gas Cleaning Systems for Marine Engines To Comply With Annex VI to MARPOL 73/78

AGENCY: Coast Guard, DHS.

ACTION: Notice of Meeting cancellation.

SUMMARY: On December 29, 2010 (75 FR 82040), the United States Coast Guard announced that a public meeting on the International Maritime Organization guidelines for exhaust gas cleaning systems for marine engines would be held January 19 and 20, 2011 in Washington, DC. This meeting has been cancelled. A future meeting date on this topic may be scheduled and would be announced in the **Federal Register**.

DATES: The public meeting previously scheduled for January 19 and 20, 2011 is cancelled.

FOR FURTHER INFORMATION CONTACT: For additional information about this public meeting you may contact Mr. Wayne Lundy by telephone at 202–372–1379 or by e-mail at *Wayne.M.Lundy@uscg.mil.*

Dated: January 13, 2011.

F.J. Strum,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2011–1024 Filed 1–13–11; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Canadian Border Boat Landing Permit (CBP Form I–68)

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

ACTION: 30–Day notice and request for comments; Extension of an existing information collection: 1651–0108.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Canadian Border Boat Landing Permit (CBP Form I–68). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the information collected. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (75 FR 61508) on October 5, 2010, allowing for a 60-day comment period. No comments were received. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before February 17, 2011.

ADDRESSES: Interested persons are invited to submit written comments on

this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one of the following four points:

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

(2) Evaluate the accuracy of the agency's/component'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 collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Canadian Border Boat Landing Permit.

OMB Number: 1651–0108.

Form Number: CBP Form I–68.

Abstract: The Canadian Border Boat Landing Permit (CBP Form I–68) allows participants entering the United States along the northern border by small pleasure boats less than 5 tons to telephonically report their arrival without having to appear in person for an inspection by a CBP officer. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, Landed Commonwealth Residents of Canada, and Landed Residents of Canada who are nationals of Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to participate.

The information collected on CBP Form I–68 allows people who enter the United States from Canada by small pleasure boats to be inspected only once during the boating season, rather than each time they make an entry. This information collection is provided for by 8 CFR 235.1(e) and Section 235 of Immigration and Nationality Act. CBP Form I–68 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_I68.pdf*

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Individuals or households.

Estimated Number of Respondents: 68,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 11,288.

Estimated Annual Cost: $1,088,000.

If additional information is required contact: Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW., 5th Floor, Washington, DC 20229–1177, at (202) 325–0265.

Dated: January 11, 2011.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2011–842 Filed 1–14–11; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Cancellation of Customs Broker Licenses

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

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the U.S. Customs and Border Protection regulations (19 CFR 111.51), the following Customs broker licenses and all associated permits are cancelled without prejudice.

Name	License No.	Issuing port
Robert F. Barnes, Jr	06324	Houston
Robert F. Barnes, Jr	05683	Norfolk
Robert F. Barnes, Jr	07084	Dallas/Fort Worth
Hensel, Bruckmann & Lorbacher, Inc	01135	New York
Gallop Fargo Customs Brokers, Inc	27658	Los Angeles

Dated: January 4, 2011.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2011–839 Filed 1–14–11; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Cancellation of Customs Broker Licenses Due to Death of the License Holder

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

ACTION: General Notice.

SUMMARY: Notice is hereby given that, pursuant to Title 19 of the Code of Federal Regulations at section 111.51(a), the following individual Customs broker license and any and all permits have been cancelled due to the death of the broker:

Name	License No.	Port name
Robert F. Barnes, Sr.	06332	Dallas/Fort Worth
Stephen W. Marlow	15469	Champlain

Dated: January 4, 2011.

Daniel Baldwin,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2011–840 Filed 1–14–11; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management, Regulation and Enforcement

Outer Continental Shelf Official Protraction Diagram and Supplemental Official Outer Continental Shelf Block Diagrams

AGENCY: Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

ACTION: Availability of Revised North American Datum of 1983 (NAD 83) Outer Continental Shelf Official Protraction Diagram and Supplemental Official Outer Continental Shelf Block Diagrams.

SUMMARY: Notice is hereby given that effective with this publication, the following NAD 83-based Outer Continental Shelf (OCS) Official Protraction Diagram (OPD) and Supplemental Official OCS Block Diagrams (SOBDs) located in the Pacific Ocean near Eureka, California, with revision date as indicated, are now available. BOEMRE in accordance with its authority and responsibility under Title 43, Code of Federal Regulations, is updating the basic record used for the description of renewable energy, mineral, and oil and gas lease sales in the geographic areas they represent. The revised OPD and SOBDs reflect updated locations for the Submerged Lands Act (3 nautical mile), and Limit of "8(g) Zone" (6 nautical mile) boundaries. This announcement of the revised OPD and SOBDs is for informational purposes only.

Outer Continental Shelf Official Protraction Diagram in the Pacific Ocean

Description/Date

NK10–10 (Eureka)—2/10/2006.

Supplemental Official Outer Continental Shelf Block Diagrams in the Pacific Ocean, all located within Official Protraction Diagram NK10–10 (Eureka)

Boundary revised/Date/Block Numbers

Submerged Lands Act boundary Blocks (7)—2/10/2006: 6678, 6627, 6628, 6577, 6578, 6528, and 6529.

Limit of "8(g) Zone" Blocks (10)—2/10/2006: 6728, 6727, 6677, 6676, 6626, 6576, 6526, 6527, 6477, and 6478.

FOR FURTHER INFORMATION CONTACT: Steven Textoris, Acting Chief, Leasing Division at (703) 787–1223 or via e-mail at *Steven.Textoris@boemre.gov.* Copies of the revised OPD and SOBDs are available for download in .pdf format from: *http://www.boemre.gov/offshore/mapping/pacific.htm.*

Dated: November 15, 2010.

Robert P. LaBelle,

Acting Associate Director for Offshore Energy and Minerals Management.

[FR Doc. 2011–883 Filed 1–14–11; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–10–L98200000–BJ0000–LXCSMT010000]

Notice of Filing of Plats of Survey; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of plats of survey.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on February 17, 2011.

DATES: Protests of the survey must be filed before February 17, 2011 to be considered.

ADDRESSES: Protests of the survey should be sent to Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

FOR FURTHER INFORMATION CONTACT: Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5009.

SUPPLEMENTARY INFORMATION: This survey was executed at the request of the U.S. Forest Service, Region 1, Missoula, Montana, and was necessary to determine boundaries of the Federal interest lands. The lands we surveyed are:

Principal Meridian, Montana

T. 28 N., R. 23 W.
T. 27 N., R. 24 W.

The plat, in one sheet, representing the survey of an island (Tract 37), Township 28 North, Range 23 West, Principal Meridian, Montana, was accepted December 28, 2010.

The plat, in one sheet, representing the survey of an island (Tract 37), Township 27 North, Range 24 West, Principal Meridian, Montana, was accepted December 28, 2010.

We will place a copy of the plats, in two sheets, and related field notes in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on these plats, in two sheets, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file these plats, in two sheets, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

Authority: 43 U.S.C. Chap. 3.

Dated: January 7, 2011.

James D. Claflin,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 2011–894 Filed 1–14–11; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCON06000–L17110000–XX0000]

Notice of Resource Advisory Council Meeting for the Dominguez-Escalante Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Dominguez-Escalante Advisory Council (Council) will meet as indicated below. Future meetings will be scheduled at a later date.

DATES: Meetings will be held February 2, 2011; March 2, 2011; April 6, 2011; and May 4, 2011. All meetings will begin at 3 p.m. and will continue until 6 p.m.

ADDRESSES: The February 2 and April 6 meetings will be held at the Mesa County Courthouse Annex, Training Room A, 544 Rood, Grand Junction, Colorado. The March 2 and May 4 meetings will be held at the Delta Performing Arts Center, 822 Grand Ave., Delta, Colorado.

FOR FURTHER INFORMATION CONTACT: Katie Stevens, Advisory Council

Designated Federal Official, 2815 H Road, Grand Junction, CO 81506. Phone: (970) 244–3049. E-mail: *kasteven@blm.gov.*

SUPPLEMENTARY INFORMATION: The 10-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the resource management planning process for the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness.

Topics of discussion during the meeting may include informational presentations from various resource specialists working on the resource management plan, as well as Council reports relating to the following topics: recreation, fire management, land-use planning process descriptions, invasive species management, travel management, wilderness, land exchange criteria, cultural resource management, and other resource management topics of interest to the Council raised during the planning process.

These meetings are anticipated to occur monthly, and may occur as frequently as every two weeks during intensive phases of the planning process. Dates, times and agendas for additional meetings may be determined at future Advisory Council Meetings, and will be published in the **Federal Register**, announced through local media and on the BLM's Web site for the Dominguez-Escalante planning effort, *http://www.blm.gov/co/st/en/nca/denca/denca_rmp.html.*

These meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will have time allocated at the beginning and end of each meeting for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual, oral comments may be limited at the discretion of the chair.

Dated: January 10, 2011.

Helen M. Hankins,

State Director.

[FR Doc. 2011–865 Filed 1–14–11; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00560 L58530000.EU0000 241A; N–81926 et al.; 11–08807; TAS: 14X5232]

Notice of Correction to Notice of Realty Action: Competitive Online Auction of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Correction.

SUMMARY: This notice amends a Notice of Realty Action which published in the **Federal Register** on September 11, 2009 [74 FR 46790] and a Notice of Amendment to Notice of Realty Action which published in the **Federal Register** on May 20, 2010, [75 FR 28278]. This Notice of Correction is published to correct the mineral estate to be reserved to the United States upon patent issuance for 5 sale parcels N–78190, N–81926, N–81927, N–81930, and N–86661. The individual patents, when issued, will contain a mineral reservation to the United States for oil, gas, sodium, potassium, and all saleable minerals.

FOR FURTHER INFORMATION CONTACT: Manuela Johnson at (702) 515–5224, or *e-mail: manuela_johnson@blm.gov.*

Vanessa L. Hice,

Assistant Field Manager, Division of Lands.

Authority: 43 CFR 2711.

[FR Doc. 2011–841 Filed 1–14–11; 8:45 am]

BILLING CODE 4310–HC–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–298 (Third Review)]

Porcelain-on-Steel Cooking Ware From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on porcelain-on-steel cooking ware from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on porcelain-on-steel cooking ware from China 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: January 4, 2011.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), 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 this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On January 4, 2011, the Commission determined that the domestic interested party group response to its notice of institution (75 FR 62144, October 7, 2010) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on January 31, 2011, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the response submitted by Columbia Home Products, LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before February 3, 2011 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by February 3, 2011. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must 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).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (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: This review is 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: January 11, 2011.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2011–837 Filed 1–14–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–691]

In the Matter of Certain Inkjet Ink Supplies and Components Thereof; Notice of Commission Issuance of a General Exclusion Order and a Cease and Desist Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a general exclusion order and a cease and desist order in the above-captioned investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 29, 2009, based on a complaint filed by Hewlett-Packard Company of Palo Alto, California ("HP"). 74 FR 55856–7 (Oct. 29, 2009). The complaint alleged violations of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain inkjet ink supplies or components thereof that infringe one or more of claims 1–7 and 22–28 of United States Patent No. 6,959,985; claims 1–10, 11, 12, 14, 18–20, 22, 26, 27, and 28–35 of United States Patent No. 7,104,630; claims 6, 7, 9, and 10 of U.S. Patent No. 6,089,687 ("the '687 patent"); and claims 1–3, 5, and 6 of U.S. Patent No. 6,264,301 ("the '301 patent"). The complaint named as respondents Zhuhai Gree Magneto-Electric Co. Ltd. of Guangdong, China ("Zhuhai"); InkPlusToner.com of Canoga Park, California ("InkPlusToner"); Mipo International Ltd. of Kowloon, Hong Kong ("Mipo International"); Mextec Group, Inc. d/b/a Mipo America Ltd. of Miami, Florida ("Mextec"); Shanghai Angel Printer Supplies Co. Ltd. of Shanghai, China ("Shanghai Angel"); SmartOne Services LLC d/b/a InkForSale.net of Hayward, California ("Smart One"); Shenzhen Print Media Co., Ltd. of Shenzhen, China ("Shenzhen Print Media"); Comptree Ink d/b/a Meritline, ABCInk, EZ Label, and CDR DVDR Media of City of Industry, California ("Comptree"); Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. of Guangdong, China ("Zhuhai National"); Tatrix International of Guangdong, China ("Tatrix"); and Ourway Image Co., of Guangdong, China ("Ourway").

Seven respondents, Mipo International, Mextec, Shanghai Angel, Shenzhen Print Media, Zhuhai National, Tatrix, and Ourway (collectively, "Defaulting Respondents"), failed to answer the Complaint and Notice of Investigation. The ALJ granted default determinations against the Defaulting Respondents (Order No. 9), and the Commission determined not to review the order. See Notice of Commission Determination Not to Review an Initial Determination Finding Seven Respondents in Default (February 17, 2010). Three respondents, Comptree, InkPlusToner, and SmartOne, reached settlement agreements with HP and were terminated from the investigation (Order Nos. 11, 13, and 14), and the Commission determined not to review those orders. One respondent, Zhuhai, was terminated from the investigation on the basis of a consent order (Order No. 12), and the Commission determined not to review that order.

On May 7, 2010, HP moved for summary determination that a domestic industry exists and that the Defaulting Respondents have violated section 337. The ALJ granted HP's motion and issued his final ID (Order No. 18) on August 30, 2010, finding substantial, reliable and probative evidence of violation by the Defaulting Respondents with respect to claims 6 and 9 of the '687 patent and claims 1, 5, and 6 of the '301 patent. The ID included the ALJ's recommended determination ("RD") on remedy and bonding. The ALJ recommended that in the event the Commission finds a violation of section 337, the Commission should issue a general exclusion order and a cease and desist

order directed to domestic respondent Mextec. The ALJ also recommended that the Commission set a bond of 100 percent for products imported during the period of Presidential review.

On October 7, 2010, the Commission issued notice of its determination not to review the final ID, and to solicit submissions on remedy, the public interest, and bonding. On October 28, 2010, HP and the Commission investigative attorney filed submissions with respect thereto. After reviewing the relevant portions of the record, the Commission has determined to issue a general exclusion order with respect to claims 6 and 9 of the '687 patent and claims 1, 5, and 6 of the '301 patent, and a cease and desist order against Mextec with respect to the same claims.

The Commission has therefore terminated this investigation. The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.16(c), 210.41–.42, and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.16(c), 210.41–.42, and 210.50).

By order of the Commission.

Issued: January 11, 2011.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2011–836 Filed 1–14–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on December 30, 2010, a proposed Consent Decree in *United States* v. *Gasco Energy Inc., et al.,* Civil Action No. 2:10–CV–01282–PMW, was lodged with the United States District Court for the District of Utah.

In this action the United States seeks civil penalties and injunctive relief for alleged violations of the Clean Air Act ("CAA"), 42 U.S.C. 7401 *et seq.,* at Gasco Energy Inc.'s ("Gasco") Riverbend compressor station in Uintah County, Utah. Specifically, the United States alleges that Gasco failed to control the emission of hazardous air pollutants ("HAPs") as required by Section 112 of the CAA, 42 U.S.C. 7412, and 40 CFR part 63, subpart HH (applicable to certain glycol dehydrators at natural gas production facilities) and subpart ZZZZ (applicable to certain reciprocating internal combustion engines at natural gas production facilities). The proposed consent decree would require Gasco to pay a civil penalty of $350,000, comply with regulatory requirements, and make additional reductions in emissions through a requirement to retrofit or replace certain high bleed pneumatic controllers with "low bleed" components.

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. *Gasco Energy Inc.,* D.J. Ref. No. 90–5–2–1–09483.

The consent decree and associated appendices 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 and the associated appendices 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 $16.75 (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. All requests for documents should refer to *United States* v. *Gasco Energy Inc.,* D.J. Ref. No., Civil Action Number 2:10–CV–01282–PMW, and D.J. Ref. No. 90–5–2–1–09483.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2011–824 Filed 1–14–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 10, 2011, a proposed Consent Decree in *United States* v. *Western Reman Industrial Inc.,* Civil Action No. 11–cv–00008 was lodged with the United States District Court for the Northern District of Indiana.

In this action, the United States alleges that the Defendant is liable under Sections 107 and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607 and 9613(g)(2), for the recovery of response costs incurred and to be incurred by the United States at the Building 190 at the former Grissom Air Force Base, located at 1175 North Hoosier Boulevard, Peru, Indiana ("Site" or "Building 190 Site"). Under the proposed Consent Decree, Defendant will reimburse the United States $300,000 in past and future response costs.

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. *Western Reman Industrial Inc.,* D.J. Ref. 90–11–2–09273.

During the public comment period, the proposed 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 proposed 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 $4.75 for a copy of the Consent Decree including all attachments (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. 2011–861 Filed 1–14–11; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (11–004)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announce a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, February 4, 2011, 11:30 a.m. to 1:30 p.m.

ADDRESSES: NASA Headquarters, 300 E. Street, SW., Room 9H40, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0732.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its 1st Quarterly Meeting for 2011. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include: Updates on Metrics on Mishap Investigation Board Report, Human Rating Requirements for Technical Standards, and NASA Alcohol Use and Testing Policy.

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch at *susan.burch@nasa.gov* or by telephone at (202) 358–0550 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information 3 working days in advance by contacting Susan Burch via e-mail at *susan.burch@nasa.gov* or by telephone at (202) 358–0550. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Dated: January 10, 2011.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2011–853 Filed 1–14–11; 8:45 am]

BILLING CODE 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 collections 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 February 17, 2011 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 collections and supporting statements 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 October 29, 2010 (75 FR 66802). 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: Order Forms for Genealogical Research in the National Archives.

OMB number: 3095–0027.

Agency form numbers: NATF Forms 81, 82, 83, 84, 85, and 86.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 42,515.

Estimated time per response: 10 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 7,086.

Abstract: Submission of requests on a form is necessary to handle in a timely fashion the volume of requests received for these records and the need to obtain specific information from the researcher to search for the records sought. As a convenience, the form will allow researchers to provide credit card information to authorize billing and expedited mailing of the copies. You can also use Order Online! (*http://www.archives.gov/research_room/obtain_copies/military_and_genealogy_order_forms.html*) to complete the forms and order the copies.

Dated: January 7, 2011.

Charles K. Piercy,

Acting Assistant Archivist for Information Services.

[FR Doc. 2011–979 Filed 1–14–11; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Task Force on Unsolicited Mid-Scale Research (MS), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a meeting held by teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: January 26, 2011, 12:30 p.m.–1:45 p.m. ET.

SUBJECT MATTER: Summary of internal NSF discussion, proposed revision to the MS Task Force charge, plans for the future external discussion groups and workshop, and additional data gathering activities and plans (data mining, possible survey, and Web site).

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A room will be available for the public to listen-in to this meeting held by teleconference. All visitors must contact the Board Office at least 24 hours prior to the meeting held by teleconference to arrange for a visitor's badge and to obtain the room number. Call 703–292–7000 or send an e-mail message to *nationalsciencebrd@nsf.gov* with your name and organizational affiliation to request the room number and your badge, which will be ready for pick-up at the visitor's desk the day of the meeting. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance to receive your visitor's badge on the day of the teleconference.

UPDATES & POINT OF CONTACT: Please refer to the National Science Board Web site *http://www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is: Matthew B. Wilson, Ph.D., National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Daniel A. Lauretano,

Counsel to the National Science Board.

[FR Doc. 2011–958 Filed 1–13–11; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Notice of Availability of the FY2010 Inventory of Service Contracts for the National Transportation Safety Board (NTSB)

SUMMARY: In accordance with Section 743 of Division C of the FY2010 Consolidated Appropriations Act, Public Law 111–175, the NTSB announces the availability of the FY2010 inventory of service contracts.

ADDRESSES: The inventory is available electronically on the following Web site: *http://www.ntsb.gov/Info/contractinventory.html.*

FOR FURTHER INFORMATION CONTACT: For further information, please contact: Christopher Blumberg, Chief, Acquisition and Lease Management Division, NTSB; 202–314–6102; *christopher.blumberg@ntsb.gov.*

SUPPLEMENTARY INFORMATION: Section 743 of Division C of the FY2010 Consolidated Appropriations Act, Public Law 111–117, requires civilian agencies to prepare an annual inventory of their service contracts. The inventory includes all service contract actions over $25,000 that were awarded in FY2010. The inventory was prepared in accordance with guidance provided by the Office of Federal Procurement Policy (OFPP) and may be downloaded in electronic form (.pdf) from the Web site at the following location *http://www.ntsb.gov/Info/contractinventory.html.*

Dated: Tuesday, January 11, 2011.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2011–845 Filed 1–14–11; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0013]

Proposed Generic Communications; Draft NRC Regulatory Issue Summary 2011–XX; Adequacy of Station Electric Distribution System Voltages

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing this Regulatory Issue Summary (RIS) to clarify the NRC staff's technical position on existing regulatory requirements and voltage studies necessary for Degraded Voltage Relay (second level undervoltage protection) setting bases and Transmission Network/Offsite/Onsite station electric power system design bases. This RIS does not transmit any new requirements or staff positions. No specific action or written response is required.

DATES: Comment period expires 30 days after publication. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include Docket ID NRC–2011–0013 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal Rulemaking Web site Regulations.gov. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

Federal rulemaking Web site: Go to *http://www.regulations.gov* and search for documents filed under Docket ID NRC–2011–0013. Address questions about NRC dockets to Carol Gallagher, telephone: 301–492–3668, e-mail: *Carol.Gallagher@nrc.gov.*

Mail comments to: Cindy Bladey, Chief, Rules, Announcements and Directives Branch (RADB), Division of Administrative Services, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to RADB at 301–492–3446.

FOR FURTHER INFORMATION CONTACT: Kenn A. Miller, Office of Nuclear Reactor Regulation, Division of Engineer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3152, e-mail: *kenneth.miller2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

NRC Regulatory Issue Summary 2011–XX; Adequacy of Station Electric Distribution System Voltages

Addressees

All holders of, or applicants for, a power reactor operating license or construction permit under Title 10 of the Code of Federal Regulations (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

All holders of, and applicants of design centers and combined operating licenses under 10 CFR Part 52, "Licenses, Certificate and Approvals for Nuclear Power Plants."

Intent

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing this Regulatory Issue Summary (RIS) to clarify the NRC staff's technical position on existing regulatory requirements and voltage studies necessary for Degraded Voltage Relay (second level undervoltage protection) setting bases and Transmission Network/Offsite/Onsite station electric power system design bases. This RIS does not transmit any new requirements or staff positions. No specific action or written response is required.

Background

The events at Millstone and Arkansas Nuclear One (ANO) that led to the NRC staff's position requiring degraded voltage protection for nuclear power plant Class 1E (or safety related) electrical safety buses and expectations for voltage calculations for the plant offsite/onsite electric power system interface, are discussed below as a reminder of past operating experience.

Millstone Unit 2

Electrical grid events at the Millstone Station, in July of 1976, have shown that when the Class 1E buses are supplied by the offsite power system, sustained degraded voltage conditions on the grid can cause adverse effects on the operation of Class 1E loads. These degraded voltage conditions will not be detected by the Loss-of-Voltage Relays (LVRs) which are designed to detect loss of power to the bus from the offsite circuit. The LVR's low voltage dropout setting is generally in the range of 0.7 per unit voltage or less, with a time delay of about 2 seconds.

As a result of further evaluation of the Millstone events, it was also determined that improper voltage protection logic can also cause adverse effects on the Class 1E systems and equipment, such as spurious load shedding of Class 1E loads from the standby diesel generators and spurious separation of Class 1E systems from offsite power due to normal motor starting transients. *See* ADAMS Accession No. ML093521388 for more information regarding this event.

As a result of these Millstone events, the NRC required all licensees to implement degraded voltage protection under Generic Action (Multi-plant Action B–23) to ensure automatic protection of safety buses and loads. Since degradation of the offsite power system can lead to or cause the failure of redundant Class 1E safety related electrical equipment, the NRC required licensees to install degraded voltage protection schemes (second level of voltage protection (Degraded Voltage Relays (DVRs)) for the onsite power system) as described in NRC Letters dated June 2 & 3, 1977, "Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors," which were sent to all licensees of all operating nuclear power plants. As an example, *see* the NRC letter dated June 2, 1977, ADAMS Accession No. ML100610489, sent to the licensee for Peach Bottom Atomic Power Station. These DVRs were to satisfy the following criteria:

(a) The selection of voltage and time delay setpoints shall be determined from an analysis of the operating voltage requirements of the safety related loads at all onsite system distribution levels;

(b) The voltage protection shall include coincidence logic to preclude spurious trips of the offsite power source;

(c) The time delay selected shall be based on the following conditions:

(1) The allowable time delay, including margin shall not exceed the maximum time delay that is assumed in the FSAR accident analyses;

(2) The time delay shall override the effect of expected short duration grid disturbances, preserving availability of the offsite power source(s): and

(3) The allowable time duration of a degraded voltage condition at all distribution system levels shall not result in failure of safety related systems or components;

(d) The voltage monitors (or DVRs as defined above) shall automatically initiate the disconnection of offsite power sources whenever the voltage and time delay limits have been exceeded; and

(e) The voltage monitors (DVRs) shall be designed to satisfy the requirements of IEEE Standard 279–1971, "Criteria for Protection Systems for Nuclear Power Generating Stations"; and

(f) The Technical Specifications shall include limiting conditions for operation, surveillance requirements, trip setpoints with minimum and maximum limits, and allowable values for second-level voltage protection DVRs.

The NRC outlined the purpose of the degraded voltage relays to protect Class 1E safety related buses from sustained degraded voltage conditions on the offsite power system under accident and non-accident conditions in Branch Technical Position (BTP) of the Standard Review Plan (SRP/NUREG–0800), PSB–1, Revision 0, "Adequacy of Station Electric Distribution System Voltages," dated July 1981 (ADAMS Accession No. ML052350520), and in the current BTP 8–6 of the SRP, Revision 3, "Adequacy of Station Electric Distribution System Voltages," dated March 2007, (ADAMS Accession No. ML070710478).

Arkansas Nuclear One

Another degraded voltage event, in September of 1978, at Arkansas Nuclear One (ANO) station demonstrated that degraded voltage conditions could exist on the Class 1E buses even with normal grid voltages, due to deficiencies in equipment between the grid and the Class 1E buses or by the starting transients experienced during certain accident events not originally considered in the sizing of these circuits. Information Notice No. 79–04, "Degradation of Engineered Safety Features," (ADAMS Accession No. ML0311801180) provides additional information regarding this event.

The NRC staff issued Generic Letter 79–36, August 8, 1979, "Adequacy of Station Electric Distribution Systems voltages" (ADAMS Legacy No. 7908230155), expanding its generic review of the adequacy of electric power systems for operating nuclear power plants. Specifically, the NRC required all licensees to review the electric power systems at each of their nuclear power plants to determine analytically if, assuming all onsite sources of AC power are not available, the offsite power system and the onsite distribution system is of sufficient capacity and capability to automatically start as well as operate all required safety related loads.

Recent Inspection Findings

Despite lessons learned from past events, and the generic communications on degraded voltage protection and adequate station voltages, NRC inspectors have identified incorrect

implementation of degraded voltage protection schemes by the licensees at various plants during inspections. Specifically, the existing degraded voltage setpoints at some plants were not adequate to protect the safety related components during degraded voltage conditions for accident and non-accident conditions. In some cases the voltage conditions were too low to power the safety related equipment but high enough to prevent transferring of safety loads to the standby power source. In addition, the time delays provided for the degraded voltage protection relays were not consistent with the accident analysis assumptions for those plants. Although the licensees' analyses were site specific, the NRC staff is concerned that other licensees might not have adequately implemented the staff positions and guidance issued previously to address the adequacy of station electrical distribution system voltages. Examples of inspection findings recently identified by the inspectors include the following:

DC Cook Units 1 and 2

During the safety system design and performance capability biennial baseline inspection (NRC Inspection Report No. 50–315/03–07(DRS); 50–316/03–07(DRS) (ADAMS Accession No. ML032260201) at the D.C. Cook Nuclear Power Plant in July of 2003, NRC inspectors identified that the degraded voltage protection scheme was bypassed whenever the 4160V buses were not being supplied through the reserve auxiliary transformers (RATs). This resulted in a lack of automatic degraded voltage protection during normal operation and for the first 30 seconds of an accident when engineered safety feature (ESF) loads were being sequenced onto the safety buses. This condition did not meet the staff position described in BTP PSB–1 and the electrical scheme is contrary to the design criteria for degraded voltage protection stated in an NRC letter to the licensee (a version of a letter sent to all licensees) dated June 3, 1977. This issue was reviewed by the NRR technical staff under Task Interface Agreement, TIA 2004–02 (ADAMS Accession No. ML042460579), and the staff concluded that the degraded voltage protection design at D.C. Cook was inadequate and as such should be modified to include degraded voltage protection during normal operation as well. Because the NRC staff had approved D.C. Cook's degraded voltage protection design in 1980, the staff's 2005 determination that the design was inadequate constituted a change in position and was subject to a backfit analysis. By letter dated November 9, 2005 (ADAMS Accession No. ML050680057), the NRC imposed a facility-specific compliance backfit on D.C. Cook Nuclear Plant, Units 1 and 2 to bring the facility into compliance with its license, the rules and orders of the Commission, and the licensee's written commitments. The licensee implemented a plant modification to the degraded voltage relaying circuit to make it functional during normal operation (*See* ADAMS Accession No. ML060530405) addressing the backfit issue.

Fermi Unit 2

In May of 2008, NRC inspectors determined that the time delay settings of the degraded voltage relays for both divisions I and II of the Class 1E electrical distribution system were inadequate. The time delays could impact the emergency core cooling system (ECCS) injection timing requirements of the licensee's Title 10 of the *Code of Federal Regulations* (10 CFR) 50.46 loss-of-coolant accident (LOCA) analysis during a degraded voltage condition. The licensee's degraded voltage protection scheme could result in the voltage being too low to adequately power the ECCS equipment but high enough to prevent the emergency diesel generators (EDGs) from connecting to the safety related buses in a timely manner. This issue was reviewed by the NRR technical staff under TIA 2007–03 (ADAMS Accession No. ML080420435). The staff determined that the current degraded voltage protection scheme was inadequate, in that, the time delay relay settings for the degraded voltage relays for both divisions could impact the emergency core cooling system injection timing requirements. Additionally, for a short period of time under degraded voltage conditions, voltage could be too low for the proper operation of safety related motors but high enough to prevent emergency diesel generator start. Because the NRC staff had approved Fermi's degraded voltage protection design in 1981, the staff's 2008 determination that the design was inadequate constituted a change in position and was subject to a backfit analysis. The staff determined that the provisions of 10 CFR 50.109(a)(4), were applicable, and that a modification was necessary to bring the facility into compliance with the rules and orders of the Commission. *See* NRC Inspection Report 05000341/2008008 (ADAMS Accession No. ML081720585) for additional details. The NRC approved the plant modification in License Amendment No. 183 (ADAMS Accession No. ML102770382).

Peach Bottom Atomic Power Station Units 2 and 3

Exelon did not use the safety related degraded grid relay trip setpoint specified in the Technical Specifications (TS) as a design input in calculations to ensure adequate voltage was available to all safety related components required to respond to a design basis loss-of-coolant accident (LOCA). Instead, Exelon used the results from a Voltage Regulation Study to establish the voltage level for system operability. The study credited the use of non safety related equipment (load tap changers) to raise the voltage level. This allowed higher voltages to be used in the design calculations for components than would be allowed by the TS setpoint. The NRR technical staff reviewed the issue in TIA 2009–07 (ADAMS Accession No. ML102710178). The staff concluded that the licensee must demonstrate that the existing degraded voltage trip setpoints, including allowable values and time delays shown in the licensee's TS Table 3.3.8.1, are adequate to protect and provide the required minimum voltage to all safety related equipment. Since the load tap changers are not safety related and are subject to operational limitations and credible failures, they cannot be relied on to establish degraded voltage relay setpoints and time delay input for design basis calculations. For additional details, *see* NRC Inspection Report 05000277/2010004 and 05000278/2010004 (ADAMS Accession No. ML103140643). The licensee subsequently issued Licensee Event Report (LER) 2–10–04 (ADAMS Accession No. ML103280505) based on the determination that certain plant equipment could be degraded as a result of lower voltages that may exist during a postulated design basis loss-of-coolant event coupled with certain degraded voltage conditions.

Palo Verde Nuclear Generating Station Units 1, 2, and 3

In July of 2009, an NRC inspection team questioned the calculations that demonstrate adequate voltage to safety related loads during worst case loading conditions and the adequacy of a time delay of 35 seconds for transfer of safety buses to the onsite power supplies should an actual degraded voltage condition occur. The licensee's calculation assumed a voltage above the degraded bus setpoint to demonstrate adequate voltage at the terminals of the safety related loads rather than the degraded voltage dropout setpoint value. The licensee maintains that a degraded voltage condition concurrent

with a design basis accident is not credible. *See* NRC Inspection Report 05000528; –529; and –530/2009008, ADAMS Accession No. ML093240524 regarding the inspection finding. The NRR technical staff reviewed the issue in TIA 2010–05 (ADAMS Accession No. ML102800340). The staff concluded that the licensee's calculation must demonstrate that the trip setpoint adequately protects the Class 1E equipment powered by the safety related bus from a potentially damaging degraded voltage condition, and the time delay to transfer from a degraded offsite source to the standby power source to support the emergency core cooling equipment operation must be consistent with accident analysis time assumptions, as required by BTP PSB–1 (NUREG 0800).

Discussion

Because the NRC continues to identify inspection findings associated with degraded voltage, the NRC is providing clarifying information on two issues related to the need for two sets of calculations for the design of the electric power systems of a nuclear power plant and its interface with the transmission network as defined in 10 CFR Part 50, General Design Criteria 17. The two issues are (1) Degraded Voltage Relaying Design Calculations, and (2) Offsite/Onsite Design Interface Calculations. The Degraded Voltage Relaying Design Calculations establish the necessary settings of the DVRs to ensure that required safety related components are provided adequate voltage based on the design of the Class 1E distribution system in the plant and its most limiting operating configuration. The Offsite/Onsite Design Interface Calculations specify the voltage operating parameters of the plant electrical distribution system based on the transmission system (Offsite) operating parameters. This interface calculation establishes operating voltage bands for all plant electrical buses, which ensures that all plant components and systems (Class 1E and Non Safety Related) have proper voltage for starting and running in all operational configurations (expected operational and accident conditions). Therefore, based on normal grid operation, the degraded voltage relays will not operate, maintaining the offsite power supply to the plant electrical distribution system.

1. Degraded Voltage Relaying Design Calculations

Proper design of a degraded voltage relaying scheme is needed to ensure that safety related systems are supplied with adequate voltages. The purpose of the NRC developed Branch Technical Position (BTP) PSB–1 (revised later to become BTP 8–6), is to protect Class 1E safety related buses and components from sustained degraded voltage conditions on the offsite power system coincident with an accident as well as during non-accident conditions. The Class 1E buses should separate from the offsite power system within a few seconds if an accident occurs coincident with sustained degraded voltage conditions. During normal plant operation, the Class 1E safety related buses should automatically separate from the power supply within a short interval (typically less than 60 seconds) if sustained degraded voltage conditions are detected. The time delay chosen should be optimized to ensure that permanently connected Class 1E loads are not damaged under sustained degraded voltage conditions (such as sustained degraded voltage just above the LVR voltage setting for the duration of the DVR time delay setting). The staff considers degraded voltage conditions coincident with a postulated design basis accident to be a credible event. DVRs should be set to protect the safety related equipment from sustained degraded voltage conditions.

DVR Setting Design Calculations

Licensee voltage calculations should provide the basis for their DVR settings, ensuring safety related equipment is supplied with adequate operating voltage (typically a minimum of 0.9 per unit voltage at the terminals of the safety related equipment per equipment manufacturers requirements), based on bounding conditions for the most limiting safety related load (in terms of voltage) in the plant. These voltage calculations should model the plant safety related electrical distribution system such that the limiting voltage at the bus monitored by the DVR can be calculated in terms of the voltage at the terminals of the most limiting safety related component in the plant. These models would allow calculation of voltages at terminals or contacts of all safety related equipment with the voltage at the DVR monitored bus at the DVR dropout setting, providing the necessary design basis for the DVR voltage settings. In this manner, the DVR ensures adequate operational (starting and running) voltage to all safety related equipment, independent of voltage controlling equipment external to the plant safety related electrical distribution system. For the purposes of this calculation, no credit should be taken for voltage controlling equipment external to the Class 1E distribution system such as automatic load tap changers and capacitor banks. Voltage-time settings for DVRs should be selected so as to avoid spurious separation of safety buses from the offsite power system during unit startup, normal operation and shutdown. These DVRs should disconnect the Class 1E buses from any power source other than the emergency diesel generators (onsite sources) if the degraded voltage condition exists for a time interval that could prevent the Class 1E safety related loads from achieving their safety function. The DVRs should also protect the Class 1E safety related loads from prolonged operation below sustained degraded voltage which could result in equipment damage.

The licensees should demonstrate that the existing DVR settings including allowable values and time delays are adequate to protect and provide the required minimum voltage to all safety related equipment. The time-delay(s) chosen for DVRs during accident conditions should meet the accident analyses assumptions and allow for proper starting of all Class 1E safety related equipment. Also, the time delay chosen for DVRs during non-accident condition must not cause any degradation of the safety related components, including actuation of their protective devices.

2. Offsite/Onsite Design Interface Calculations

The offsite power source is the preferred source of power to safely shut down the plant during design basis accidents, abnormal operational occurrence, and reactor trips. The licensee's voltage calculations should provide the basis for proper operation of the plant safety related electrical distribution system, when supplied from the offsite circuit (from the transmission network). These calculations should demonstrate that the voltage requirements (both starting and operational voltages) of all plant safety related systems and components are satisfied based on operation of the transmission system and the plant onsite electric power system during all operating configurations of transmission network and plant systems. In this way, all safety related systems and components will function as designed with proper starting and running voltages during all plant conditions and the DVRs will not actuate (separating the transmission network supply). Following are guidelines for voltage drop calculations derived from Generic Letter 79–36, which have been supplemented to add clarifying

information. They do not represent new NRC staff positions.

Guidelines for Voltage Drop Calculations

(a) The plant voltage analysis, while supplied from the transmission network, should be based on the operating voltage range of the transmission network connection. This transmission owner/operator supplied voltage range should address all transmission network and plant system operating configurations and should also include voltage drop due to the bounding worst case transmission system contingency (transmission system contingencies include trip of the nuclear power unit).

(b) Separate analyses should be performed assuming the power source to the safety buses is (1) the unit auxiliary transformer; (2) the startup transformer; and (3) other available connections (*e.g.,* from all available connections) to the offsite network one by one assuming the need for electric power is initiated by (1) an anticipated transient such as a unit trip (*e.g.,* anticipated operational occurrence), or (2) an accident, whichever presents the bounding load demand on the power source.

(c) For multi-unit stations, a separate analysis should be performed for each unit assuming (1) an accident in the unit being analyzed and simultaneous shutdown of all other units at the station; or (2) an anticipated transient (anticipated operational occurrence) in the unit being analyzed (*e.g.,* unit trip) and simultaneous shutdown of all other units at that station, whichever presents the largest load situation.

(d) All actions the electric power system is designed to automatically initiate should be assumed to occur as designed (*e.g.,* automatic bulk or sequential loading or automatic transfers of bulk loads from one transformer to another and automatic starts of components). All non safety related plant auxiliary loads should be included, as applicable, in the plant loading studies.

(e) Manual load shedding should not be assumed.

(f) For each event analyzed, the maximum load necessitated by the event and the mode of operation of the unit at the time of the event should be assumed in addition to all loads caused by expected automatic actions and manual actions permitted by administrative procedures.

(g) The voltage analysis should include documentation for each condition analyzed, of the voltage at the input and output of each transformer and at each intermediate bus between the connection of the offsite circuit and the terminals of each safety related load.

(h) The calculated voltages at the terminals of each safety related load should be compared with the required voltage range for normal operation and starting of that load calculated in Item (a) above. Any identified inadequacies of calculated voltage should require immediate remedial action.

(i) For each case evaluated, the calculated voltages on each safety bus should demonstrate adequate voltage at the component level without separation from the offsite circuit due to DVR actuation.

(j) To provide assurance that actions taken to assure adequate voltage levels for safety related loads do not result in excessive voltages, assuming the maximum expected value of voltage at the connection to the offsite circuit, a determination should be made of the maximum voltage expected at the terminals of all safety related equipment and their starting circuits (if applicable). If this voltage exceeds the maximum voltage rating of any safety related equipment, immediate remedial action should be taken.

(k) Analysis documentation should include a statement of the assumptions for each case analyzed.

Backfit Discussion

The NRC has evaluated this RIS against the criteria of Title 10 of the Code of Federal Regulations (10 CFR) Section 50.109, 10 CFR Part 50 Appendix A General Design Criteria 17, NRC Letter dated June 2, 1977 "Statement of Staff Positions Relative to Emergency Power Systems for Operating Reactors," Branch Technical Position BTP–1 and later BTP 8–6 (both of NUREG 0800) and Generic Letter 79–36 and determined that it does not represent a backfit. Specifically, NRC Staff technical positions outlined in this RIS are consistent with the aforementioned regulations and generic communications, while providing more detailed discussion concerning the necessary voltage calculations supporting DVR settings based only on voltage requirements of Class 1E components and the Class 1E distribution system design. Under section 50.109, a backfit can be defined as a proposed action that is a modification of the procedures required to operate a facility and may result from the imposition of a regulatory staff position that is either new or different from a previously applicable staff position.

Federal Register Notification

To be done after the public comment period.

Congressional Review Act

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. 801–886) and therefore, is not subject to the Act.

Paperwork Reduction Act Statement

This RIS does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Contact

Kenn A. Miller, Office of Nuclear Reactor Regulation, Division of Engineering, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3152, e-mail: *kenneth.miller2@nrc.gov.*

End of Draft Regulatory Issue Summary

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4209 or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 11th day of January 2011.

For the Nuclear Regulatory Commission.

Roy Mathew,

Acting Chief, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 2011–888 Filed 1–14–11; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2011–0006]

Sunshine Act Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATE: Weeks of January 17, 24, 31; February 7, 14, 21, 2011.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 17, 2011

There are no meetings scheduled for the week of January 17, 2011.

Week of January 24, 2011—Tentative

Monday, January 24, 2011

1 p.m. Briefing on Safety Culture Policy Statement (Public Meeting). (*Contact:* Diane Sieracki, 301–415–3297.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of January 31, 2011—Tentative

Tuesday, February 1, 2011

9 a.m. Briefing on Digital Instrumentation and Controls (Public Meeting). (*Contact:* Steven Arndt, 301–415–6502.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of February 7, 2011—Tentative

Tuesday, February 8, 2011

9 a.m. Briefing on Implementation of Part 26 (Public Meeting). (*Contact:* Shana Helton, 301–415–7198.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of February 14, 2011—Tentative

There are no meetings scheduled for the week of February 14, 2011.

Week of February 21, 2011—Tentative

Thursday, February 24, 2011

9 a.m. Briefing on Groundwater Task Force (Public Meeting). (*Contact:* Margie Kotzalas, 301–415–1727.)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Rochelle Bavol, (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, braille, large print), please notify Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: January 12, 2011.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2011–998 Filed 1–13–11; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 213.103.

FOR FURTHER INFORMATION CONTACT: Roland Edwards, Senior Executive Resource Services, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between November 1, 2010, and November 30, 2010. These notices are published monthly in the **Federal Register** at *http://www.gpoaccess.gov/fr/.* A consolidated listing of all authorities as of June 30 is also published each year. The following Schedules are *not* codified in the Code of Federal Regulations. These are agency-specific exceptions.

Schedule A

No Schedule A authorities to report during November 2010.

Schedule B

No Schedule B authorities to report during November 2010.

Schedule C

The following Schedule C appointments were approved during November 2010.

Department of State

DSGS70121 Director, Art In Embassies Program. Effective November 19, 2010.

Department of the Treasury

DYGS00537 Public Affairs Specialist. Effective November 26, 2010.

Department of Defense

DDGS17304 Special Assistant to the Assistant Secretary of Defense for Reserve Affairs. Effective November 8, 2010.

DDGS17308 Defense Fellow for White House Liaison. Effective November 16, 2010.

DDGS17309 Associate Director for Communication Plans and Integration. Effective November 18, 2010.

Department of Justice

DJGS00627 Counsel for Civil Division. Effective November 23, 2010.

Department of Homeland Security

DMGS00688 Senior Advisor for Legislative Affairs. Effective November 3, 2010.

DMGS00167 Confidential Assistant for Federal Emergency Management Agency. Effective November 16, 2010.

Department of Agriculture

DAGS00241 Confidential Assistant to the Administrator, Farm Service Agency. Effective November 3, 2010.

DAGS20032 Special Assistant to the Deputy Secretary. Effective November 3, 2010.

DAGS20036 Senior Advisor to the Administrator. Effective November 3, 2010.

DAGS00186 White House Liaison to the Secretary. Effective November 4, 2010.

Department of Labor

DLGS00039 Speechwriter for Communications and Public Affairs. Effective November 4, 2010.

DLGS00285 Scheduler for Scheduling and Advance. Effective November 23, 2010.

Department of Heath and Human Services

DHGS60510 Confidential Assistant to the Deputy Assistant Secretrary for Early Childhood Development. Effective November 23, 2010.

Department of Education

DBGS00202 Deputy Chief of Staff. Effective November 29, 2010.

DBGS00283 Chief of Staff for Civil Rights. Effective November 29, 2010.

Environmental Protection Agency

EPGS11004 Assistant Press Secretary for Public Affairs. Effective November 23, 2010.

Department of Energy

DEGS00833 Senior Advisor (Electricity Delivery and Energy Reliability). Effective November 23, 2010.

Small Business Administration

SBGS00901 Senior Advisor to the Administrator. Effective November 10, 2010.

General Services Administration

GSGS01410 Special Assistant for Congressional and Intergovernmental Affairs. Effective November 18, 2010.

GSGS01450 Special Assistant to the Regional Administrator. Effective November 29, 2010.

GSGS01451 Special Assistant to the Regional Administrator. Effective November 29, 2010.

Export-Import Bank

EBGS10981 Deputy to the President and Chairman. Effective November 19, 2010.

Federal Mine Safety and Health Review Commission

FRGS90502 Attorney Advisor (General) to a Member. Effective November 10, 2010.

Housing and Urban Development

DUGS00431 Regional Administrator to the Deputy Director, Office of Field Policy and Management. Effective November 5, 2010.

DUGS00224 Regional Administrator to the Deputy Director, Office of Field Policy and Management. Effective November 10, 2010.

DUGS00035 Senior Policy Advisor for the Office of Strategic Planning and Management. Effective November 18, 2010.

DUGS00032 Intergovernmental and Public Engagement Liaison for Intergovernmental Relations. Effective November 23, 2010.

Department of Transportation

DTGS60295 Special Assistant to the Under Secretary of Transportation for Policy. Effective November 23, 2010.

DTGS60477 Associate Director for Scheduling. Effective November 23, 2010.

DTGS60478 Associate Director for Advance. Effective November 23, 2010.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

John Berry,

Director, U.S. Office of Personnel Management.

[FR Doc. 2011–918 Filed 1–14–11; 8:45 am]

BILLING CODE 6325–39–P

POSTAL SERVICE

International Product Change—Global Expedited Package Services—Non-Published Rates

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add Global Expedited Package Services—Non-Published Rates 2 to the Competitive Products List pursuant to 39 U.S.C. 3642.

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Margaret M. Falwell, 703–292–3576.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that it filed with the Postal Regulatory Commission, on December 15, 2010, a Request of the United States Postal Service to add Global Expedited Package Services—Non-Published Rates, to the Competitive Products List, and Notice of Filing (Under Seal) the Enabling Governors' Decision. Documents are available at *http://www.prc.gov,* Docket Nos. MC2010–29 and CP2010–45.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–854 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

International Product Change—Global Plus 1B and 2B Negotiated Service Agreements

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: Postal Service notice of its filing a request with the Postal Regulatory Commission to add Global Plus 1B and 2B Negotiated Service Agreements to the Competitive Products List pursuant to 39 U.S.C. 3642.

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Margaret M. Falwell, 202–268–2576.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that it filed with the Postal Regulatory Commission, on December 9, 2010, *Requests of United States Postal Service to Add Global Plus 1B and 2B Negotiated Service Agreements to the Competitive Product List, and Notice of Filing (Under Seal) the Enabling Governor's Decisions and Two Functionally Equivalent Agreements* for each filing. Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–7, MC2011–8, CP2011–39, CP2011–40, CP2011–41 and CP2011–42.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–855 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Market Test of Experimental Product: "Gift Cards"

AGENCY: Postal Service ™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of a market test of an experimental product in accordance with statutory requirements.

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: David H. Rubin, 202–268–2986.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice pursuant to 39 U.S.C. 3641(c)(1) that it will begin a market test of its "Gift Cards" experimental product on or around May 1, 2011. The Postal Service has filed with the Postal Regulatory Commission a notice setting out the basis for the Postal Service's determination that the market test is covered by 39 U.S.C. 3641 and describing the nature and scope of the market test. Documents are available at *http://www.prc.gov,* Docket No. MT2011–2.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–857 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Brandy Osimokun, 202–268–2982.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 23, 2010, it filed with the Postal Regulatory

Commission a *Request of the United States Postal Service to Add Parcel Select Contract 1 to Competitive Product List.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–16, CP2011–53.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–856 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 30, 2010, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 34 to Competitive Product List.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–17, CP2011–56.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–858 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: Postal Service notice of filing of a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List pursuant to 39 U.S.C. 3642 and 3632(b)(3).

DATES: January 18, 2011.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that on December 30, 2010, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 35 to Competitive Product List.* Documents are available at *http://www.prc.gov,* Docket Nos. MC2011–18, CP2011–57.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. 2011–859 Filed 1–14–11; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 20, 2011 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Paredes, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, January 20, 2011 will be:

Institution and settlement of injunctive actions;
Institution and settlement of administrative proceedings; and
Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: January 13, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–1074 Filed 1–13–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63609; File No. SR–NYSEArca–2010–116]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the WisdomTree Asia Bond Fund

December 27, 2010.

Correction

In notice document 2010–32943 beginning on page 194 the issue of Monday, January 3, 2011 make the following correction:

On page 199, in the third column, in the last line before the signature block, "January 18, 2011" should read "January 24, 2011".

[FR Doc. C1–2010–32943 Filed 1–14–11; 8:45 am]

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63700; File No. SR–Phlx–2011–04]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by NASDAQ OMX PHLX LLC Relating to Option Expiration Months and Series of Options Open for Trading on the Exchange

January 11, 2011.

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 January 4, 2011, NASDAQ OMX PHLX LLC ("Phlx" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Exchange Rule 1012 (Series of Options Open for Trading) to clarify that the Exchange will open at least one expiration month and one series for each class of stock options or Exchange Traded Fund Share ("ETF") options

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

open for trading on the Exchange; and that the Exchange may open additional series of stock options or ETF options under certain circumstances. The proposed change is based directly on the recently approved rules of another options exchange, namely Chapter IV, Sections 6 and 8 of the NASDAQ Options Market.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/NASDAQOMXPHLX/Filings/,* at the principal office of the Exchange, on the Commission's Web site at *http://www.sec.gov,* and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Exchange Rule 1012 to clarify that the Exchange will open at least one expiration month and one series for each class of stock options or ETF options open for trading on the Exchange; and that the Exchange may open additional series of stock options or ETF options under certain circumstances. The proposed change is based directly on the recently approved rules of another options exchange, namely Chapter IV, Sections 6 and 8 of the NASDAQ Options Market.

The NASDAQ OMX Group, Inc. ("NASDAQ OMX") owns several U.S. registered securities exchanges that are self-regulatory organizations—Phlx, with its equity, securities, and options exchanges; The NASDAQ Stock Market LLC ("NASDAQ") and the NASDAQ Options Market ("NOM"); and NASDAQ OMX BX, Inc. ("BX"). In 2008, the Commission approved the establishment of NOM and rules pertaining thereto [3] that, among others, included NOM Chapter IV, Section 6 regarding series of options contracts open for trading [4] and Section 8 regarding long-term options contracts.[5] The rule changes proposed by the Exchange to Phlx Rule 1012(a) and Commentary .03 are, to the extent practicable, identical to specified rule provisions in NOM Chapter IV, Sections 6 and 8 as discussed below.

The Exchange believes that its proposal is proper, and indeed desirable, in light of its objective to continue to harmonize the listing rules of the two options exchanges under the NASDAQ OMX umbrella and thereby maximize operating efficiencies.

Rule 1012 has developed in the latter portion of the last century to indicate when, among other things, the Exchange may open months and series, including long-term series, in classes of stock options, ETF options, and foreign currency options ("FCOs") [6] that have been approved for listing and trading on the Exchange. Rule 1012(a) indicates how the Exchange initially fixes expiration months and series in these options.[7] The Exchange now conforms portions of its older Rule 1012 to the more recently-approved NOM rules in Chapter IV, Sections 6 and 8.

First, the Exchange proposes to state in Rule 1012(a)(i)(A) that at the commencement of trading on the Exchange of a particular class of stock or ETF options, the Exchange will open at least one expiration month and series for each class of options open for trading on the Exchange, thereby replacing the current language in subsection (a)(i)(A) about opening not less than three expiration months in every option class open for trading. The proposed language regarding one expiration month is taken directly from NOM Chapter IV, Section 6(e). The proposed language regarding one expiration series is taken directly from NOM Chapter IV, Section 6(b). These NOM rules have been continually in use for years.[8] The Exchange notes that the proposed change affords additional flexibility so that multiple option classes and series are not mandated if they are not needed, thereby potentially reducing the proliferation of classes and series.

Second, the Exchange proposes to add new language in Rule 1012 (a)(i)(B) to state that it may open additional option series when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Additionally, due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until five (5) business days prior

[3] *See* Securities Exchange Act Release No. 57478 (March 12, 2008), 73 FR 14521 (March 18, 2008) (SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080) (order approving rules for trading of options on the NASDAQ Options Market, including Chapter IV, Sections 6 and 8).

[4] NOM Chapter IV, Sec 6 states, in relevant part: (b) At the commencement of trading on NOM of a particular class of options, NOM will open a minimum of one (1) series of options in that class. The exercise price of the series will be fixed at a price per share, relative to the underlying stock price in the primary market at about the time that class of options is first opened for trading on NOM.

(c) Additional series of options of the same class may be opened for trading on NOM when Nasdaq deems it necessary to maintain an orderly market, to meet Customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. The opening of a new series of options shall not affect the series of options of the same class previously opened. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, Nasdaq, in its discretion, may add a new series of options on an individual stock until five (5) business days prior to expiration.

[5] NOM Chapter IV, Sec 8 states: (a) Notwithstanding conflicting language in Section 5 of this Chapter IV (Series of Options Contracts Open for Trading), Nasdaq may list long-term options contracts that expire from twelve (12) to thirty-nine (39) months from the time they are listed. There may be up to six (6) additional expiration months. Strike price interval, bid/ask differential and continuity rules shall not apply to such options series until the time to expiration is less than nine (9) months.

(b) After a new long-term options contract series is listed, such series will be opened for trading either when there is buying or selling interest, or forty (40) minutes prior to the close, whichever occurs first. No quotations will be posted for such options series until they are opened for trading.

[6] FCOs are also known as World Currency Options and in Rule 1012 are known as U.S. Dollar-Settled Foreign Currency Options.

[7] Rule 1012(a)(i) states, in relevant part: At the commencement of trading on the Exchange of a particular class of stock or Exchange-Traded Fund Share options, series of options therein having three different expiration months will normally be opened, the first such expiration month being within approximately three months thereafter, the second such month being approximately three months after the first and the third being approximately three months after the second. Additional series of stock or Exchange-Traded Fund Share options of the same class may be opened for trading on the Exchange at or about the time a prior series expires and the expiration month of each such series shall normally be approximately nine months following the opening of such series. The exercise price of each series of stock or Exchange-Traded Fund Share options opened for trading on the Exchange shall be fixed at a price per share which is reasonably close to the price per share at which the underlying stock or Exchange-Traded Fund Share is traded in the primary market at or about the time such series of options is first opened for trading on the Exchange.

[8] *See supra* note 3.

to expiration. The language for this proposed rule change is likewise taken directly from NOM rules, specifically Chapter IV, Section 6(c).[9] The Exchange notes that the proposed language establishes specific criteria that are not all currently elucidated in Rule 1012 [10] for adding new series to an existing option class up to five business days prior to expiration.[11]

Moreover, Rule 1012 has developed over several decades to include stock options, ETF options and FCOs traded on the Exchange. As such, discussion regarding these various types of options is sometimes commingled within Rule 1012. The Exchange is now proposing to clarify the rule by splitting out discussion regarding stock options and ETF options, which are similarly treated within the rule. Specifically, the Exchange proposes to relocate the criteria for additional series of stock and ETF options from its present location in subsection (a)(iv), where it is applicable to FCOs as well as stock and ETF options, to subsection (a)(i)(B), where it would be applicable only to stock and ETF options.[12] Subsection (a)(iv) as proposed would be renamed (a)(iii)(E) and would pertain only to FCOs.

The Exchange's proposal is being done to conform and harmonize certain Phlx rules to recently-approved Nasdaq Options Market rules regarding opening initial months and series and adding series of stock options and ETF options. The Exchange believes that harmonization of the rules of the two options exchanges under the NASDAQ OMX umbrella would be beneficial to the Exchange and its traders, market participants, and public investors in general.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Section 6(b)(5) of the Act [14] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. The Exchange proposes to clarify that it will open at least one expiration month and one series for each class of stock options or ETF options open for trading on the Exchange and clarify under what circumstances it may open additional series of stock options or ETF options, and thereby harmonize the rules of Phlx and NOM. The harmonization of the rules of the two options exchanges would be beneficial to the Exchange and its traders, market participants, and public investors in general.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest because the proposed rule change is substantially similar to that of another exchange that has been approved by the Commission.[17] Therefore, the Commission designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2011–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2011–04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE.,

[9] The Exchange also proposes to transfer language from subsection (a)(iv) of Rule 1012 into subsection (a)(i)(B), stating that the opening of a new series of options shall not affect the series of options of the same class previously opened. Similar language is present in NOM Chapter IV, Section 6(c).

[10] *See supra* note 7.

[11] The Exchange has been following the practice of not adding new series of options on individual stocks within five days of expiration.

[12] In a similar vein, Commentary .03 is moved to new subsection (a)(i)(D) so that it would be in the section of the rule applicable only to stock and ETF options. Commentary .03 is conformed to the language of NOM Chapter IV, Section 8 by removing the superfluous language from the rule: There may be up to six Traded Fund Share options series, options having up to thirty-nine months from the time they are listed until expiration.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's 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 satisfied this requirement.

[17] *See supra* note 3.

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–Phlx–2011–04 and should be submitted on or before February 8, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–901 Filed 1–14–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63701; File No. SR–CBOE–2010–116]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Exchange Fees for Fiscal Year 2011

January 11, 2011.

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 December 29, 2010, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by CBOE. The Exchange has designated the proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(2) thereunder.[4] 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

Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") proposes to amend its Fees Schedule to make various changes for Fiscal Year 2011. 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.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE 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. CBOE 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

The purpose of this proposed rule change is to amend the CBOE Fees Schedule to make various fee changes. The proposed changes are the product of the Exchange's annual budget review. The fee changes were approved by the Exchange's Board of Directors pursuant to CBOE Rule 2.22 and will take effect on January 3, 2011. The Exchange proposes to amend the following fees:

Clearing Trading Permit Holder Proprietary Sliding Scale: The Clearing Trading Permit Holder Proprietary Sliding Scale reduces a Clearing Trading Permit Holder's ("CTPH") per contract transaction fee based on the number of contracts the CTPH trades in a month. The Exchange proposes to replace the existing Clearing Trading Permit Holder Proprietary Sliding Scale with: (1) A Multiply-Listed Options Fee Cap for CTPH Proprietary Orders, and (2) a CBOE Proprietary Products Sliding Scale for CTPH Proprietary Orders, as further described below.

Multiply-Listed Options Fee Cap: The Exchange proposes to cap CTPH Proprietary transaction fees in all products except options on OEX, XEO, SPX, and volatility indexes,[5] in the aggregate, at $75,000 per month per CTPH, except that any AIM Execution Fees incurred by a CTPH would not count towards the cap (AIM Execution Fees are described below). A CTPH would continue to pay any AIM Execution Fees after reaching the cap in a month. AIM Execution Fees would be excluded from the proposed fee cap because the AIM Execution Fee is a discounted fee ($.05 per contract) and therefore the Exchange believes those fees should not count towards the cap. The proposed fee cap is similar to a "Firm Related Equity Option Cap" in place at NASDAQ OMX PHLX, LLC.[6] The Exchange believes the proposed fee cap would create an incentive for CTPHs to continue to send order flow to the Exchange.

CBOE Proprietary Products Sliding Scale: The Exchange proposes to adopt a CBOE Proprietary Products Sliding Scale that would reduce the standard CTPH Proprietary transaction fee in OEX, XEO, SPX, and volatility indexes ("CBOE Proprietary Products")[7] provided a CTPH reaches certain volume thresholds in multiply-listed options on the Exchange in a month as described below.

Specifically, the standard CTPH Proprietary transaction fee in CBOE Proprietary Products would be reduced to the fees shown in the following table for CTPHs that execute at least 375,000 contracts but less than 1,500,000 contracts in multiply-listed options on the Exchange in a month, excluding contracts executed in AIM that incurred the AIM Execution Fee (the AIM Execution Fee is described below).[8]

Tiers	CBOE proprietary product contracts per month	Rate
First	First 750,000	18 cents

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] OEX is the symbol for options on the S&P 100 index, XEO is the symbol for European-Style options on the S&P 100 index and SPX is the symbol for options on the S&P 500 index. Volatility indexes include options on the CBOE Volatility Index (VIX).

[6] NASDAQ OMX PHLX Firms are subject to a maximum fee of $75,000. *See* NASDAQ OMX PHLX, LLC Fee Schedule, Section II (Equity Options Fees).

[7] The CTPH Proprietary transaction fee in CBOE Proprietary Products (as defined) is currently $.20 per contract and is proposed to be changed to $.25 per contract (as described below).

[8] Contracts executed in AIM that incurred the AIM Execution Fee would be excluded from the sliding scale for the same reason that AIM Execution Fees would not apply to the Multiply-Listed Options Fee Cap; the Exchange believes it is appropriate to exclude such contracts from the proposed sliding scale because such contracts have already received a discounted transaction fee ($.05 per contract).

Tiers	CBOE proprietary product contracts per month	Rate
Second	Next 250,000	5 cents
Third	Above 1,000,000	2 cents

If a CTPH reaches the aforementioned volume thresholds in multiply-listed options on the Exchange in a month, under the proposed sliding scale the first 750,000 contracts traded by the CTPH in a month in CBOE Proprietary Products would be assessed at $.18 per contract. The next 250,000 contracts traded in a month in CBOE Proprietary Products (up to 1,000,000 total contracts traded) would be assessed at $.05 per contract. All contracts above 1,000,000 contracts traded in a month in CBOE Proprietary Products would be assessed at $.02 per contract.

The standard CTPH Proprietary transaction fee in CBOE Proprietary Products would be reduced to the fees shown in the following table for CTPHs that execute 1,500,000 or more contracts in multiply-listed options on the Exchange in a month, excluding contracts executed in AIM that incurred the AIM Execution Fee:

Tiers	CBOE proprietary product contracts per month	Rate
First	First 750,000	15 cents
Second	Above 750,000	1 cent

If a CTPH reaches the 1,500,000 contract threshold in multiply-listed options on the Exchange in a month, under the proposed sliding scale the first 750,000 contracts traded by the CTPH in a month in CBOE Proprietary Products would be assessed at $.15 per contract. All contracts above 750,000 contracts traded in a month in CBOE Proprietary Products would be assessed at $.01 per contract.

A CTPH that executes less than 375,000 contracts in multiply-listed options on the Exchange in a month would not be eligible for the CBOE Proprietary Products Sliding Scale and would pay the standard CTPH Proprietary transaction fee for CBOE Proprietary Products. Due to the Exchange's obligation to pay license fees on the CBOE Proprietary Products, Surcharge Fees [9] applicable to the CBOE Proprietary Products would also continue to apply in addition to the standard CTPH Proprietary transaction fee and the rates on the sliding scale.

As is the case with the existing CTPH Proprietary Sliding Scale, the proposed Multiply-Listed Options Fee Cap and CBOE Proprietary Products Sliding Scale would apply to Clearing Trading Permit Holder proprietary orders ("F" origin code), except for orders of joint back-office ("JBO") participants. The Exchange would also aggregate the fees and contracts of a Clearing Trading Permit Holder and its affiliates in the same manner as it does under the existing CTPH Proprietary Sliding Scale.[10]

Clearing Trading Permit Holder Proprietary Transaction Fee: The Exchange currently charges $.20 per contract for Clearing Trading Permit Holder Proprietary transactions in index options (including ETF, ETN and HOLDRs options). The Exchange proposes to increase the Clearing Trading Permit Holder Proprietary transaction fee to $.25 per contract for OEX, XEO, SPX and volatility indexes. This rate would be subject to the proposed CBOE Proprietary Products Sliding Scale for CTPH Proprietary orders.

AIM Execution Fee: The Exchange currently charges an AIM Execution Fee of $.20 per contract to certain broker-dealer orders executed in the Automated Improvement Mechanism ("AIM") [11] that were initially entered into AIM as the contra party to an Agency Order. [12]

The Exchange proposes to amend the AIM Execution Fee to (i) reduce the fee from $.20 per contract to $.05 per contract, and (ii) apply the fee to all orders (all origin codes) in all products, except OEX, XEO, SPX and volatility indexes, executed in AIM that were initially entered into AIM as the contra party to an Agency Order. The proposed fee would apply to such executions instead of the applicable standard transaction fee except if the applicable standard transaction fee is lower than $.05 per contract, in which case the applicable standard transaction fee would apply.[13] Applicable standard transaction fees would apply to AIM executions in OEX, XEO, SPX and volatility indexes. The proposed AIM Execution Fee is similar to the fee charged by NASDAQ OMX PHLX to an "Initiating Order" that is contra-side to a "PIXL Order" in the PIXL Auction.[14]

Floor Brokerage Fees: The Exchange currently charges floor brokers executing orders in volatility index options $.02 per contract and $.01 per contract for crossed orders. The Exchange proposes to increase these

[9] *See* CBOE Fees Schedule, Section 1 Index Options, and Footnote 14.

[10] *See* CBOE Fees Schedule, Footnote 11. Each CTPH would be responsible for notifying the Exchange's TPH Department of all of its affiliations so that fees and contracts of the CTPH and its affiliates may be aggregated for purposes of the fee cap and sliding scale. The Exchange would aggregate the fees and trading activity of separate CTPHs for the purposes of the fee cap and sliding scale if there is at least 75% common ownership between the CTPHs as reflected on each CTPH's Form BD, Schedule A. A Clearing Trading Permit Holder's fees and contracts executed pursuant to a CMTA agreement (*i.e.,* executed by another clearing firm and then transferred to the Clearing Trading Permit Holder's account at the OCC) would be aggregated with the Clearing Trading Permit Holder's non-CMTA fees and contracts for purposes of the fee cap and sliding scale.

[11] AIM is an electronic auction system that exposes certain orders electronically in an auction to provide such orders with the opportunity to receive an execution at an improved price. AIM is governed by CBOE Rule 6.74A.

[12] *See* Securities Exchange Act Release No. 59379 (February 10, 2009), 74 FR 7713 (February 19, 2009). The existing AIM Execution Fee applies to broker-dealer orders (orders with "B" origin code), non-Trading Permit Holder market-maker orders (orders with "N" origin code), orders from specialists in the underlying security (orders with "Y" origin code) and certain orders with "F" origin code (orders from OCC members that are not CBOE Trading Permit Holders). *See* CBOE Fees Schedule, Footnote 16.

[13] For example, public customer orders ("C" origin code) pay no transaction fee in equity options and QQQQ options and thus such orders would pay no transaction fee (would not pay the AIM Execution Fee) for such AIM transactions. Transaction fees for certain public customer orders in certain ETF, ETN and HOLDRs options are currently waived and thus such orders would pay no transaction fee (would not pay the AIM Execution Fee) for such AIM transactions. *See* CBOE Fees Schedule, Footnotes 8 and 9.

[14] NASDAQ OMX PHLX assesses a fee of $.05 per contract to an Initiating Order when the Initiating Order executes against a PIXL Order in the PIXL Auction. *See* NASDAQ OMX PHLX, LLC Fee Schedule, Section IV, PIXL Pricing.

fees to $.03 per contract and $.015 per contract for crossed orders.[15]

PAR Official Fees: The Exchange proposes to establish PAR Official Fees.[16] These fees would apply to all orders executed by a PAR Official, except for customer orders ("C" origin code) that are not directly routed to the trading floor (an order that is directly routed to the trading floor is directed to a PAR Official for manual handling by use of a field on the order ticket). Such orders would be charged $.02 per contract and, like floor brokerage fees, a discounted rate of $.01 per contract would apply for crossed orders. The purpose of the proposed fee is to help offset the Exchange's costs of providing PAR Official services (e.g., salaries, etc). As noted above, the Exchange would not charge the fee to public customer orders except for any customer order that is directly routed to the trading floor. The Exchange believes it is reasonable to charge the fee to a customer that specifically requests order handling by a PAR Official. PAR Official Fees would be charged to the order originating firm unless the originating firm cannot be identified, in which case the fees would be charged to the executing firm on the trade record.

Volatility Index Surcharge Fee: The Exchange currently charges a surcharge fee of $.08 per contract on all non-public customer[17] transactions in volatility index options. The Exchange proposes to increase the surcharge fee for volatility index options to $.10 per contract. The surcharge fee is assessed to help the Exchange recoup license fees the Exchange pays to index licensors for the right to list volatility index options for trading and is similar to surcharge fees charged by other exchanges.

Linkage Fee: Currently, when the Exchange receives a customer order that has an original size of 1,000 or more contracts that is routed, in whole or in part, to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan, the Exchange charges $.35 per contract executed on another exchange in addition to the customary CBOE execution charges.[18] The Exchange proposes to reduce the qualifying customer order size from 1,000 or more contracts to 500 or more contracts. The purpose of this Linkage Fee is to pass through some of the transaction costs incurred by the Exchange associated with the execution of customer orders at away markets. The Exchange believes it is appropriate to pass through some of these costs to these larger non-broker-dealer customer orders that are more akin to broker-dealer orders.

Facility Fees: The Exchange proposes to amend the following facility fees in Section 8 of the Fees Schedule:

Booth Fees: The Exchange currently charges $185 per month for use of a perimeter booth on the trading floor. The Exchange proposes to increase this fee to $195 per month. The fee for an OEX booth is proposed to be increased from $330 per month to $550 per month, equaling the rate charged for DJX and MNX booths. The fee for VIX booths is also proposed to be increased to $550 per month due to high demand for booth space for VIX options, which recently moved into a larger pit on the trading floor. The $550 per month fee for booths by the OEX book is proposed to be eliminated because there are no longer such booths due to the relocation of the OEX pit.[19]

Forms and Form Storage Fees: The Exchange currently charges a fee of $10 per month for cabinet space at the Exchange used by trading permit holders to store paper forms such as trade order forms. The Exchange proposes to increase this fee to $11 per month. The Exchange has provided trading permit holders with boxes of 5-part and 2-part paper trade order forms for many years at no charge. The Exchange proposes to charge trading permit holders $50 per box to recoup the cost of making these forms available to trading permit holders.

Access Badge Fees: The Exchange proposes to increase certain fees for access badges. These fees have not changed in approximately ten years. The monthly fees for access badges would increase from $110 to $120 for Floor Managers and from $55 to $60 for clerks. In addition, the Exchange proposes to amend the following charges per occurrence: (1) The fee for issuance of a badge would increase from $15 to $16.50, (2) the fee to replace a badge would increase from $15 to $16.50, (3) the fee for failure to return an access badge would increase from $75 to $82.50, (4) the fee for a temporary badge for a non-trading permit holder would increase from $10 to $11, and (5) the fee for a temporary badge for a trading permit holder would increase from $10 to $11 (the first three badges per year are free of charge).

Coat Room Services Fee: The Exchange charges trading permit holders $15 per month for coat room services. The Exchange proposes to increase the fee to $25 per month to help the Exchange recoup increased costs for making this service available to trading permit holders.

Telecommunication Fees: The Exchange proposes to increase certain telecommunication fees. These fees have not changed in over seven years. The Exchange proposes the following changes to Section 8(F) of the Fees Schedule:

Monthly fees:

a. Exchangefone Maintenance—Increase from $52.00 to $57.00.

b. Single Line Maintenance—Increase from $10.50 t0 $11.50.

c. PhoneMail with Outcall & Pager—Increase from $17.00 to $18.75.

d. Intra-Floor Lines—Increase from $52.50 to $57.75.

e. Voice Circuits—Increase from $14.40 to $16.00.

f. Data Circuits at Local Carrier (entrance)—Increase from $14.40 to $16.00.

g. Lines Between Local Carrier and Communications Center—Increase from $11.60 to $12.75.

h. Lines Direct From Local Carrier to Trading Floor—Increase from $11.60 to $12.75.

i. Lines Between Communications Center and Trading Floor—Increase from $11.60 to $12.75.

Fees for installation, relocation and removal of lines:

j. Data Circuits at In-House Frame:

i. Lines Between Local Carrier and Communications Center—The installation fee would increase from $200 to $550 and would include the removal fee. The existing removal fee of $100 would be eliminated.

ii. Lines Direct From Local Carrier to Trading Floor—The installation fee would increase from $350 to $725 and

[15] The Exchange proposes to delete DXL options (options based on 1/10th the value of the Dow Jones Industrial Average) from Section 3 of the Fees Schedule and delete all other references to DXL from the Fees Schedule because DXL options are no longer listed on CBOE.

[16] A PAR Official is an Exchange employee or independent contractor whom the Exchange may designate as being responsible for (i) operating the PAR workstation in a Designated Primary Market-Maker ("DPM") trading crowd with respect to the classes of options assigned to him/her; (ii) when applicable, maintaining the book with respect to the classes of options assigned to him/her; and (iii) effecting proper executions of orders placed with him/her. The PAR Official may not be affiliated with any Trading Permit Holder that is approved to act as a Market-Maker. *See* CBOE Rule 7.12.

[17] The Surcharge Fee applies to all non-public customer transactions (*i.e.* CBOE and non-Trading Permit Holder market-maker, Clearing Trading Permit Holder and broker-dealer), including voluntary professionals and professionals. *See* CBOE Fees Schedule, Section 1 (Index Options) and Footnote 14.

[18] *See* CBOE Fees Schedule, Section 20. *See, also,* Securities Exchange Act Release No. 62793 (August 30, 2010), 75 FR 54408 (September 7, 2010).

[19] The Exchange also proposes a clarifying change to Section 8(b) of the Fees Schedule. The Exchange proposes to change "Arbitrage Phone Positions" to "SPX Arbitrage Phone Positions" to clarify that this fee applies to booths that are adjacent to or near the SPX pit.

would include the removal fee. The existing removal fee of $200 would be eliminated. The relocation fee of $425 would be increased to $625.

iii. Lines Between Communications Center and Trading Floor—The installation fee would increase from $350 to $725 and would include the removal fee. The existing removal fee of $200 would be eliminated. The relocation fee of $425 would be increased to $625.

iv. [sic]

The Exchange currently charges a $350 installation fee for electrician services connected to the installation of a tether on the trading floor for a market-maker hand held terminal. The Exchange proposes to increase this fee to $450. The Exchange proposes to charge $900 for installation of a tether in index pits due to the higher costs associated with installing tethers in those larger pits. The fee for relocation of a tether would remain unchanged at $200 regardless of location.

Trading Floor Terminal Rental Fees: The Exchange proposes to increase fees for rental of trading floor terminals to help the Exchange offset increased costs. The Exchange currently charges $200 per month per login ID for use of a Floor Broker Workstation (FBW). The FBW is a system for electronically entering and managing orders on the Exchange floor. The Exchange proposes to increase this fee to $225 per month per login ID.

The Exchange charges trading permit holders $35 per month for Satellite TV on the trading floor. The Exchange proposes to increase this fee to $50 per month.

The Exchange charges $100 per month for use of a PAR Workstation. PAR Workstations are touch screen terminals designed to allow electronic representation of orders routed to it. The Exchange proposes to increase this fee to $125 per month.

Co-Location Fees: The Exchange provides cabinet space in CBOE's building for trading permit holders to place their network and quoting engine hardware, to help trading permit holders meet their need for high performance processing and low latency. Trading permit holders also receive power, cooling, security and assistance with installation and connection of the equipment to the Exchange's servers. For these services, the Exchange currently charges trading permit holders a co-location fee of $10 per "U" (1.75 inches) of shelf space and $20 per U for sponsored users, in increments of 4 U (7 inches). To bring its fees more in line with the current market for co-location services, the Exchange proposes to increase these fees to $20 per U and $40 per U for Sponsored Users.

DPM's and Firm Designated Examining Authority Fee: The Exchange charges DPMs and firms for which the Exchange is the Designated Examining Authority ("DEA"), a fee of $.40 per $1,000 of gross revenue as reported on quarterly FOCUS reports filed by such trading permit holders. The fee is subject to a minimum fee of $1,000 per month for Clearing Trading Permit Holders and $275 for non-Clearing Trading Permit Holders. The Exchange proposes to increase this fee, which has not changed in many years, from $.40 per $1,000 of gross revenue to $.50 per $1,000 of gross revenue.

CBOEdirect Connectivity Charges: The Exchange proposes to increase three monthly fees related to connectivity to CBOEdirect to bring the fees more in line with the current market for similar services. The Exchange charges trading permit holders a $40 per month Network Access Port Fee ($80 per month for Sponsored Users) and a $40 per month FIX Port Fee ($80 per month for Sponsored Users) for network hardware the Exchange provides to trading permit holders for access to the Exchange's network. The Exchange proposes to increase each fee to $80 per month ($160 per month for Sponsored Users). The Exchange charges trading permit holders a $40 per month CMI Client Application Server Fee ($80 per month for Sponsored Users) for server hardware that enables trading permit holders to connect to CBOE's two Application Protocol Interfaces: CMI (CBOE Market Interface) and Financial Information Exchange (FIX). The Exchange proposes to increase this fee to $80 per month ($160 per month for Sponsored Users).

Hybrid Fees: The Exchange provides certain hardware (*e.g.,* servers) and related maintenance services to third party vendors that provide trading permit holders with quoting software used by trading permit holders to trade on the Hybrid Trading System. The Exchange charges trading permit holders a Quoting Infrastructure User Fee of $150 per month to help the Exchange recover its costs in facilitating trading permit holder's receipt of these third party services. The Exchange proposes to increase this fee to $200 per month to help offset increased costs.

TickerXpress ("TX") is an Exchange service that supplies market data to Exchange market-makers trading on the Hybrid Trading System. Currently, the Exchange charges trading permit holders receiving "enhanced" TX market data a fee of $300 per month. Enhanced market data is data that has been processed so that it can be used by market-makers utilizing quoting software. The Exchange proposes to increase this fee to $350 per month to help offset the Exchange's increased costs in providing this data to Exchange trading permit holders.[20]

Miscellaneous Changes: The Exchange proposes the following housekeeping changes to its Fees Schedule. The Exchange proposes to amend footnotes 8 and 9 of the Fees Schedule to delete references to the effective dates of two fee waiver programs described therein that are still ongoing. The Exchange proposes to amend Section 1 and footnote 8 of the Fees Schedule to change references to "SPDR" to "SPY". The reason for this change is to clarify that Section 1 and footnote 8 apply to options on the SPDR S&P 500 ETF Trust (ticker symbol SPY) and not to other options listed on the Exchange that include "SPDR" in their name (*e.g.,* options on SPDR Gold Shares). The Exchange proposes to amend Section 15 of the Fees Schedule to delete a sentence relating to the Market Data Infrastructure Fee that is now outdated.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 ("Act"),[21] in general, and furthers the objectives of Section 6(b)(4)[22] of the Act in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its trading permit holders and other persons using its facilities. The Exchange believes the proposed Multiply-Listed Options Fee Cap and CBOE Proprietary Products Sliding Scale for CTPH Proprietary orders and AIM Execution Fee would allow the Exchange to remain competitive with similar programs at other exchanges. The Exchange believes the other proposed fee changes are equitable and reasonable in that in general they are intended to help the Exchange recover its costs of providing various products and services to trading permit holders and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not

[20] The Exchange also proposes to amend Section 17 of the Fees Schedule to delete a reference to an effective date of April 1, 2007.

[21] 15 U.S.C. 78f(b).

[22] 15 U.S.C. 78f(b)(4).

necessary or appropriate in furtherance of 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 foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [23] and subparagraph (f)(2) of Rule 19b–4 [24] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2010–116 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–CBOE–2010–116. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. 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–CBOE–2010–116 and should be submitted on or before February 8, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Elizabeth M. Murphy,

Secretary.

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[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(2).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63694; File No. SR–BX–2011–001]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the BOX Trading Rules Regarding Voluntary Withdrawal From Trading Options Classes in Which They Are Appointed

January 11, 2011.

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 January 7, 2011, NASDAQ OMX BX, Inc. (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter VI, Section 4 (Appointment of Market Makers) of the Rules of the Boston Options Exchange Group, LLC ("BOX") to permit the Exchange and Market Makers greater flexibility in handling Market Makers' voluntary withdrawal from trading options classes in which they are appointed. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Chapter VI, Section 4(f) of the BOX Rules (Appointment of Market Makers) to eliminate the requirement that a Market Maker provide three business days' notice if they wish to withdraw from trading an options class in which they are appointed. The proposed rule change will provide that Boston Options Exchange Regulation, LLC ("BOXR") (i) may determine an appropriate minimum amount of prior notice required for Market Makers to withdraw from trading; and (ii) has the authority to place other conditions on Market Maker withdrawal as may be appropriate in the interests of maintaining fair and orderly markets.

Chapter VI, Section 4(f) of the BOX Trading Rules currently provides that a Market Maker may voluntarily withdraw from trading an options class that is within their appointment by providing BOX with three business days' written notice of such withdrawal. The proposed rule change will eliminate

this specific notice requirement and give BOXR the discretion to determine a minimum prior notice period required for a Market Maker's withdrawal. Additionally, the proposed rule change will permit BOXR to place other conditions on Market Maker withdrawal as may be appropriate in the interests of maintaining fair and orderly markets. BOX believes that removing the requirement of three business days' notice is appropriate because requests for withdrawal can generally be addressed within one business day. As such, three business days' notice is simply unnecessary for BOX to respond to such requests. Market Makers' requests for withdrawal from a class in which they are appointed will not be permitted intraday, but may be approved as soon as the opening of trading on the following business day.

Under the proposed rule change, BOXR will also have the authority to place conditions on Market Maker withdrawal as may be appropriate in the interests of maintaining fair and orderly markets. With this discretionary authority, BOXR can consider the impact of a Market Maker's withdrawal on the market's customers, participants, other Market Makers, and the overall marketplace, and place conditions on a Market Maker's withdrawal as appropriate and necessary. This authority allows BOXR to consider various factors, but BOXR will exercise its discretion to place conditions on Market Maker withdrawal in a non-discriminatory manner.

In particular, the proposed rule change will allow BOXR greater flexibility when addressing instances where the Market Maker requesting voluntary withdrawal is the only Market Maker appointed to such class. Chapter IV, Section 5(a) of the BOX Rules specifies that BOXR will open trading in a series of options in a class only if there is at least one Market Maker appointed for trading in that particular class. BOX believes that requiring at least one Market Maker to be appointed for trading a class provides BOX Options Participants with the greatest amount of potential liquidity. Generally, BOXR anticipates placing conditions on a Market Maker's request for withdrawal when the Market Maker is the only Market Maker appointed to a class. For example, the Market Maker may be required to continue trading in its appointed class until BOXR can appoint another Market Maker in such options class, or for one or more additional trading days, as BOXR deems appropriate in the interests of maintaining a fair and orderly market and so that BOX market participants may continue trading without interruption, if possible. If BOXR is unable to appoint another Market Maker in the options class, then BOXR may, in accordance with the proposed rule change and the BOX Rules, approve the Market Maker withdrawal, but then be unable to open trading in that class the following day.

BOX believes that this proposed rule change eliminating the specific notice requirement for Market Makers' voluntary withdrawal from trading will provide BOX and its Market Makers greater flexibility in modifying Market Maker appointments in options classes on BOX, while retaining BOXR's ability to act in the best interests of a fair and orderly market when a Market Maker requests voluntary withdrawal. BOX believes that all of its market participants benefit from continuous open trading on BOX, and Market Makers assist in the maintenance of fair and orderly markets and provide liquidity to BOX. BOX believes that providing potential BOX Market Makers greater flexibility in handling their class appointments for trading on BOX may encourage additional market participants to act as a Market Maker on BOX and allow Market Makers to better fulfill their role on BOX to the benefit of all BOX participants. BOX believes that additional Market Makers may add liquidity and result in better markets.

Finally, Chapter VI, Section 4(f) will continue to specify that Market Makers who fail to give the required advance written notice of withdrawal may be subject to formal disciplinary action by the Exchange. The Exchange believes that this continues to be appropriate so that regulatory action might be taken against any Market Maker that fails to comply with the notice requirement, or any other conditions that BOXR may place on the Market Maker, for withdrawal.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[3] in general, and Section 6(b)(5) of the Act,[4] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, facilitate transactions in securities, 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, the Exchange believes this proposal will enhance Market Maker flexibility in decision-making about the options classes in which they are appointed and trade and benefit BOX market participants by removing impediments to and perfecting the mechanism for a free and open market and a national market system. Further, BOX believes that all of its market participants benefit from continuous open trading on BOX, and Market Makers assist in the maintenance of fair and orderly markets and provide liquidity to BOX. Moreover, BOX believes that providing potential BOX Market Makers greater flexibility in handling their class appointments for trading on BOX may encourage additional market participants to act as a Market Maker on BOX and allow Market Makers to better fulfill their role on BOX to the benefit of all BOX participants. BOX believes that additional Market Makers may add liquidity and result in better markets.

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

This Exchange believes that the proposed rule change is substantially similar to the rules of another self-regulatory organization that has previously been approved by the Commission.[5] Accordingly, the Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Exchange Act[6] and Rule 19b–4(f)(6) thereunder.[7] The Exchange believes that the proposed rule change should take effect immediately upon filing because it will effect a change that: (1) Does not significantly affect the protection of investors or the public interest, (2) does

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *See* Securities Exchange Act Release No. 58644 (September 25, 2008), 73 FR 57172 (October 1, 2008) (BATS–2008–005) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend BATS Rulebook Chapter XI to Add Four New Rules Regarding the Registration and Obligations of Market Makers).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

not impose any significant burden on competition, and (3) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate. The Exchange provided 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, or such shorter time as designated by the Commission.[8]

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 Exchange 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–BX–2011–001 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–2011–001. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2011–001 and should be submitted on or before February 8, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–892 Filed 1–14–11; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–63692; File No. SR–Phlx–2010–163]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Granting Approval of Proposed Rule Change Relating to Obvious Errors Respecting Complex Trades

January 11, 2011.

On November 17, 2010, NASDAQ OMX PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("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 Rule 1092, Obvious Errors and Catastrophic Errors, to address obvious and catastrophic errors involving complex orders. The proposed rule change was published for comment in the **Federal Register** on December 1, 2010.[3] The Commission received no comment letters on the proposal. This order approves the proposed rule change.

The proposed rule change would amend Rule 1092, Obvious Errors and Catastrophic Errors, to address obvious and catastrophic errors involving trades of one complex order against another complex order. Specifically, the proposal is designed to address a situation in which one component (or leg) of a complex order is deemed an obvious (or catastrophic) error, but the other component(s) are not. In such situation, the proposed rule change would permit all legs of a complex order execution to be nullified when one leg of such complex order can be nullified as an obvious or catastrophic error under Rule 1092,[4] provided that the execution involved a complex order executing against another complex order (such that all of the same parties are involved in the trade).[5] The proposed rule does not address complex orders that do not trade against other complex orders.

In addition, the proposal would make three minor corrections: (i) A reference in Rule 1092(b)(ii) to Rule 1014(c)(1)(A)(i)(a) is inverted and should instead say Rule 1014(c)(i)(A)(1)(a); (ii) the words "obvious error" in Rule 1092(e)(i)(B) are being capitalized to match the rest of the rule; and (iii) a reference to "AUTOM" in Rule 1092(e)(ii) is outdated and will be deleted, leaving reference to the "Help Desk."

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 [6] and, in particular, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 63367 (November 23, 2010), 75 FR 74755 ("Notice").

[4] Rule 1092 provides a framework for reviewing the price of a transaction to determine whether that price was an "obvious error" pursuant to objective standards. When a participant believes he/she received one or more executions at an erroneous price, a participant may notify the Options Exchange Officials ("OEOs") and request the review of a trade as a possible obvious error. An obvious error will be deemed to have occurred when the execution price of a transaction is higher or lower than the theoretical price for a series by a certain amount depending on the type of option. OEOs use one of three criteria when determining the theoretical price of an options execution, which are enumerated in Rule 1092(b). The theoretical price is then compared to an obvious/catastrophic error chart within Rule 1092(a). If the transaction price meets this threshold, the transaction may be adjusted or nullified.

[5] *See* proposed Rule 1092(c)(v)(A). This would occur when a complex order executes against another complex order, with each piece executing through the System against each other. The Notice provides the following example of such a trade. Assume a customer trades a call spread at a net price of $0.50 by buying the January 50 calls at $3.00 and selling the January 55 calls at $2.50. If the January 50 calls should have been trading at $7.00 and thus met the obvious error threshold in Rule 1092, then the entire complex trade would be nullified only if the January 50 and 55 calls traded as a complex order against another complex order, rather than as two separate trades. Currently, the trade involving the January 50 calls is nullified and the January 55 Calls trade would stand, which, according to the Exchange, likely was not intended by either party.

[6] In approving this proposed rule change, the Commission has considered the proposed rule's

requirements of Section 6(b) of the Act[7] and the rules and regulations thereunder. Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[8] in that the proposal is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission notes that, in approving proposals relating to adjustment or nullification of trades involving obvious errors, it has stated that the determination of whether an obvious error has occurred and the process for reviewing such a determination should be based on specific and objective criteria and subject to specific and objective procedures.[9] The Commission notes that the proposed change to Rule 1092 provides specific and objective procedures for determining whether a trade should be nullified. The purpose of the new provision is to provide that obvious and catastrophic errors related to complex orders that trade against other complex orders will be nullified. The Commission also notes that the proposed rule change, by providing that obvious and catastrophic errors related to complex orders that trade against other complex orders will be nullified, is designed to mitigate the risk to both parties to a complex order trade involving two complex orders, neither or whom, according to the Exchange, intended to end up with just one piece of the complex order.[10] Therefore, the Commission believes that the proposed rule change is consistent with the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–Phlx–2010–163) is hereby approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–891 Filed 1–14–11; 8:45 am]

BILLING CODE 8011–01–P

impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See, e.g.,* Securities Exchange Release Nos. 58778 (October 14, 2008), 73 FR 62577 (October 21, 2008) and 54228 (July 27, 2006), 71 FR 44066 (August 3, 2006) (SR–CBOE–2006–14) (approving revisions to CBOE's Obvious Error Rules).

[10] *See* Notice, *supra* note 3.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 7301]

Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

DATES: *Effective Date:* As shown on each of the 14 letters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert S. Kovac, Managing Director, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663–2861.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

December 1, 2010 (Transmittal No. DDTC 10–103)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement to include the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support the design, manufacture and delivery of the Anik G1 Commercial Communication Satellite to Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Matthew Rooney,

Principal Deputy Assistant Secretary, Legislative Affairs.

November 19, 2010 (Transmittal No. DDTC 10–104)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Saudi Arabia for the operation and maintenance of the Saudi Ministry of Defense and Aviation, and the Royal Saudi Air Defense Forces HAWK and PATRIOT Air Defense Missile Systems.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Deputy Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–105)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a Technical Assistance Agreement for the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the development, production and test of the APS–508 Radar System for the CP–140 Aircraft Program.

The United States Government is prepared to license the export of these items having taken into account

political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Acting Assistant Secretary Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–110)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the nuclear-based Flash Radiography Sources for the United Kingdom in support of its nuclear weapons program for the UK Ministry of Defence.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–112)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement to include the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the manufacture of Control Actuation Systems for the Guided Multiple Launch Rocket System (GMLRS) Program.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–114)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed permanent export license for the export of defense articles, to include technical data, related to firearms in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of discontinued rifles to be returned to the manufacturer in Brazil for commercial resale.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–119)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement to include the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support military and security training activities for the Government of Afghanistan in support of Operation Enduring Freedom.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–121)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of major defense equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services, to Germany for the design, manufacture, market and sale of High-G Military Accelerometers.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–122)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Israel for the manufacturing of F–15 parts, spares, and associated tooling for end use by the Republic of Korea and the United States.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–123)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of major defense equipment abroad.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services, to The Netherlands for the manufacture of Dayside CCD Cameras, Lower Arm Support Assemblies and CCA Test Stations for end use by the United States Government.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–126)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement to include the export of defense articles, to include technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services relating to the development and demonstration of lightweight small arms technologies for the United Kingdom Ministry of Defence.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–129)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of major defense equipment abroad and the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services to support the manufacture, assembly, test and sale of 25mm weapon stations for integration with Pandur 6x6 vehicles for end use by the Kuwait National Guard.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–132)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, to include technical data, and defense services necessary to support the manufacture of select T700 engine components for the SH–60 Helicopter for the Armed Forces of Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

December 6, 2010 (Transmittal No. DDTC 10–134)

Hon. Nancy Pelosi,
Speaker of the House of Representatives.

Dear Madam Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement to include the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the

export of defense articles, including technical data, and defense services for the Programmable Display Generator for the F–2 aircraft of the Japanese Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Richard R. Verma,

Assistant Secretary, Legislative Affairs.

Dated: October 10, 2010.

Robert S. Kovac,

Managing Director, Directorate of Defense Trade Controls, Department of State.

[FR Doc. 2011–924 Filed 1–14–11; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In December 2010, there were eight applications approved. This notice also includes information on three other applications, one approved in May 2010, one approved in September 2010, and one approved in November 2010, inadvertently left off the May 2010, September 2010, and November 2010 notices, respectively. Additionally, 12 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: City of Waterloo, Iowa.

Application Number: 10–09–C–00–ALO.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $35,100.

Earliest Charge Effective Date: November 1, 2011.

Estimated Charge Expiration Date: March 1, 2012.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Acquisition of deicing truck.

Acquisition of snow removal equipment.

Decision Date: May 12, 2010.

For Further Information Contact: Sheila Bridges, Central Region Airports Division, (816) 329–2638.

Public Agency: Huntsville-Madison County Airport Authority, Huntsville, Alabama.

Application Number: 10–17–C–00–HSV.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $25,248,512.

Earliest Charge Effective Date: May 1, 2012.

Estimated Charge Expiration Date: May 1, 2022.

Classes of Air Carriers Not Required to Collect PFC's:

(1) Air taxi commercial operators; (2) certified air carriers; and (3) certified route air carriers having fewer than 500 annual passenger enplanements.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that each approved class accounts for less than 1 percent of the total annual enplanements at Huntsville International Airport.

Brief Description of Projects Approved for Collection and Use:

Terminal rehabilitation/baggage claim expansion.

Western land acquisition.

Air carrier ramp security and safety enhancements (rehabilitate apron).

Decision Date: September 23, 2010.

For Further Information Contact: Kevin Morgan, Jackson Airports District Office, (601) 664–9891.

Public Agency: San Diego County Regional Airport Authority, San Diego, California.

Application Number: 10–08–C–00–SAN.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $1,118,567,229.

Earliest Charge Effective Date: October 1, 2012.

Estimated Charge Expiration Date: October 1, 2036.

Class of Air Carriers Not Required to Collect PFC's: Non-scheduled on demand air carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at San Diego International Airport.

Brief Description of Projects Approved for Collection and Use at a $4.50 PFC Level:

Terminal 2 west improvements.

Airside—apron improvements.

Brief Description of Project Approved for Collection and Use at a $3.00 PFC Level:

Roadway improvements—level separation.

Decision Date: November 24, 2010.

For Further Information Contact: Darlene Williams, Los Angeles Airports District Office, (310) 725–3625.

Public Agency: City of Redding, California.

Application Number: 11–04–C–00–RDD.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $553,103.

Earliest Charge Effective Date: September 1, 2011.

Estimated Charge Expiration Date: September 1, 2014.

Class of Air Carriers Not Required to Collect PFC's:

None.

Brief Description of Projects Approved for Collection and Use:

Storage building for Part 139 equipment.

Update airport layout plan.

Prepare airport electrical master plan.

Acquire aircraft rescue and firefighting equipment.

Rehabilitate airfield guidance signs.

Rehabilitate runway 16/34 (design only).

Rehabilitate parallel and connecting taxiways (design only).

Rehabilitate terminal building.

Conduct wildlife hazard assessment.

Terminal building expansion (design only).

PFC administrative costs.

Reconstruct west aircraft parking apron (Air Shasta).

Reconstruct T–Hangar taxilanes.

Air cargo apron expansion (design only).

Security fencing (design only).

Rehabilitate and expand terminal building.

Upgrade airfield electrical system (design only).

Brief Description of Disapproved Projects:

Environmental assessment (parallel runway 16L/34R).

Design runway 16L/34R and associated parallel taxiways.

Determination: The FAA has determined that proposed parallel runway 16L/34R and associated planning and design projects are not justified at this time. Therefore, this project does not meet the requirements of § 158.15(c).

Decision Date: December 3, 2010.

For Further Information Contact: Arlene Draper, San Francisco Airports District Office, (650) 876–2778.

Public Agency: City of Rapid City, South Dakota.

Application Number: 11–07–C–00–RAP.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $25,755,528.

Earliest Charge Effective Date: November 1, 2011.

Estimated Charge Expiration Date: June 1, 2034.

Class of Air Carriers Not Required to Collect PFC's:

Nonscheduled Part 135 air taxi or commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Rapid City Regional Airport.

Brief Description of Project Approved for Collection and Use: Terminal expansion/remodel.

Decision Date: December 6, 2010.

For Further Information Contact: David Anderson, Bismarck Airports District Office, (701) 323–7385.

Public Agency: Palm Beach Board of County Commissioners, West Palm Beach, Florida.

Application Number: 11–12–U–00–PBI.

Application Type: Use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $3,719,817.

Charge Effective Date: July 1, 2008.

Estimated Charge Expiration Date: May 1, 2013.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Project Approved for Use: Land acquisition.

Decision Date: December 7, 2010.

For Further Information Contact: Susan Moore, Orlando Airports District Office, (407) 812–6331.

Public Agency: City of Chicago, Department of Aviation, Chicago, Illinois.

Applications Number: 10–24–C–00–ORD.

Application Type: Impose and use A PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $4,635,392.

Earliest Charge Effective Date: January 1, 2038.

Estimated Charge Expiration Date: February 1, 2038.

Class of Air Carriers Not Required to Collect PFC's: Air taxi.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Chicago O'Hare International Airport.

Brief Description of Project Partially Approved for Collection and Use: School sound insulation.

Determination: The project cost estimate included a "contingency" line item. This is not an allowable cost component for PFC purposes. The approved amount is $409,740 less than the amount requested to account for this ineligible cost item.

Decision Date: December 7, 2010.

For Further Information Contact: Amy Hanson, Chicago Airports District Office, (847) 294–7354.

Public Agency: Norfolk Airport Authority, Norfolk, Virginia.

Application Number: 10–03–C–00–ORF.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $9,640,166.

Earliest Charge Effective Date: September 1, 2015.

Estimated Charge Expiration Date: October 1, 2016.

Class of Air Carriers Not Required to Collect PFC's: Carriers filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Norfolk International Airport.

Brief Description of Projects Approved for Collection and Use:

Blast barrier.

Land acquisition—runway protection zone.

Land acquisition—future development.

Security access control system.

Relocate electrical vault.

Relocate aircraft rescue and firefighting station.

Relocation of runway end identifier lights and precision approach path indicator light systems;

By-pass taxiway and hold apron.

Airport master plan updates.

Airfield signage.

Aircraft rescue and firefighting training facility.

Aircraft rescue and firefighting vehicles and equipment.

Snow removal equipment.

Pavement management plan.

Apron lighting.

Runway 5/23 rehabilitation.

Rotating beacon relocation.

Runway 5/23 lighting improvements.

Runway 5R/23L environmental impact statement.

Perimeter access road.

Concourses A and B renovation.

Taxiway C rehabilitation.

Airfield signage rehabilitation.

Taxiway A rehabilitation and general aviation apron overlay.

Decision Date: December 9, 2010.

For Further Information Contact: Jeffrey Breeden, Washington Airports District Office, (703) 661–1363.

Public Agency: Northwest Regional Airport Commission, Traverse City, Michigan.

Application Number: 11–05–C–00–TVC.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $2,452,975.

Earliest Charge Effective Date: February 1, 2011.

Estimated Charge Expiration Date: February 1, 2014.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Cherry Capital Airport.

Brief Description of Projects Approved for Collection and Use:

Feasibility study for runway 18/36 extension (400 feet)—airport layout plan update.

Snow removal equipment fuel farm design and construction.

Sand storage building construction.

Precision approach path indicator for runway 28—design and construction.

PFC preparation cost reimbursement.

PFC program audit cost reimbursement.

Snow removal equipment plow truck/snow sweeper 3.

Snow removal equipment plow truck/snow sweeper 4.

Perimeter road construction (north 1–Hangars to west 1–Hangars).

Preliminary engineering for runway 10/28 extension.

Preliminary plans to relocate medium intensity runway lighting system and runway approach indicator lights and instrument landing system glide slope for runway 28 extension.

Engineering design services to relocate the medium intensity approach lighting system and runway approach indicator lights and instrument landing system glide slope for runway 28 extension.

FAA reimbursable agreement to relocate navigational aids for runway 28.

Environmental assessment for runway 10/28 extension.

Demolition of the old aircraft rescue and firefighting/snow removal equipment building.

Snow removal equipment bi-directional tractor/blower/plow/loader procurement.

Snow removal equipment snow blower procurement.

Part 405 approach surveys.

Decision Date: December 9, 2010.

For Further Information Contact: Irene Porter, Detroit Airports District Office, (734) 229–2915.

Public Agency: Monterey Peninsula Airport District, Monterey, California.

Application Number: 11–16–U–00–MRY.

Application Type: Use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved for Use in This Decision: $665,000.

Charge Effective Date: August 1, 2009.

Estimated Charge Expiration Date: December 1, 2011.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use:

Runway 10R/28L safety area design, phase I.

Runway 10L/28R safety area design, phase II.

Runway 10L/28R safety area construction, phase I.

Decision Date: December 14, 2010.

For Further Information Contact: Gretchen Kelly, San Francisco Airports District Office, (650) 876–2778.

Public Agency: City of Hailey and County of Blame, Hailey, Idaho.

Application Number: 11–07–C–00–SUN.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in This Decision: $505,918.

Earliest Charge Effective Date: March 1, 2011.

Estimated Charge Expiration Date: March 1, 2014.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Friedman Memorial Airport.

Brief Description of Projects Approved for Collection and Use:

Modify snow removal equipment building and relocate power line.

Acquire broom truck snow removal equipment.

Airfield pavement rehabilitation.

Acquire rotary plow snow removal equipment.

Development of draft environmental impact statement, phase II.

Communications switch FAN air traffic control tower.

PFC administrative costs for application 11–07.

Relocate power line for snow removal equipment building.

Decision Date: December 14, 2010.

For Further Information Contact: Warren Ferrell, Northwest Mountain Region Airports Division, (425) 227–2612.

Public Agency: Town of Harrietstown, Saranac Lake, New York.

Application Number: 10–02–C–00–SLK.

Application Type: Impose and use a PFC.

PFC Level: $4.50.

Total PFC Revenue Approved in this Decision: $470,825.

Earliest Charge Effective Date: February 1, 2011.

Estimated Charge Expiration Date: June 1, 2033.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Airport terminal building improvements. PFC administrative costs.

Decision Date: December 15, 2010.

For Further Information Contact: Andrew Brooks, New York Airports District Office, (516) 227–3816.

AMENDMENTS TO PFC APPROVALS

Amendment No. City, State	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estmated charge Exp. date	Amended estimated charge Exp. date
06–10–C–03–PHL; Philadelphia, PA	11/24/10	$238,950,000	$249,450,000	04/01/18	06/01/18
06–04–C–02–UNV; State College, PA	11/26/10	1,261,493	1,283,662	02/01/09	02/01/09
08–05–C–02–AVP; Avoca, PA	11/26/10	6,770,104	5,790,104	08/01/17	08/01/17
04–10–C–04–MKE; Milwaukee, WI	11/29/10	10,775,601	11,465,601	04/01/18	07/01/16
08–14–C–01–MKE; Milwaukee, WI	11/29/10	16,760,334	16,860,334	08/01/20	08/01/20
08–07–C–01–GFK; Grand Forks, ND	12/02/10	362,368	510,616	02/01/10	07/01/10
10–11–C–01–FLL; Fort Lauderdale, FL	12/08/10	24,909,327	26,409,327	01/01/18	01/01/18
02–02–C–01–GNV; Gainesville, FL	12/16/10	4,637,954	5,668,584	02/01/11	07/01/13
09–03–C–01–ELM; Horseheds, NY	12/16/10	2,080,342	2,580,175	10/01/14	10/01/15
02–04–C–03–TOL; Toledo, OH	12/18/10	3,820,436	3,821,285	07/01/07	12/01/07
06–07–C–01–BTM; Butte, MT	12/22/10	110,883	112,047	08/01/07	08/01/07
98–08–C–02–MHT; Manchester, NH	12/23/10	3,033,074	3,033,074	02/01/16	02/01/16

Issued in Washington, DC on January 5, 2011.

Joe Hebert,

Manager, Financial Analysis and Passenger Facility Charge Branch.

[FR Doc. 2011–347 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 USC 327, the United States Fish and Wildlife Service (USFWS), and the United States Army Corps of Engineers (USACOE).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project along Interstate 805, San Diego, CA, PM: 23.3–27.7 in the County of San Diego, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 18, 2011. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Bruce April, Deputy District Director, Division of Environmental Analysis, Caltrans, District 11, 4050 Taylor Street, San Diego, CA 91942, Office: 619–688–0100, e-mail: *bruce.april@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The addition of four managed lanes (two in each direction) on Interstate 805 (I–805) from State Route 52 (SR–52) to La Jolla Village Drive. Two high occupancy vehicle (HOV) lanes (one in each direction) from La Jolla Village Drive to just north of Mira Mesa Boulevard (Blvd). The project would also construct a transit station and Direct Access Ramp (DAR) at Nobel Drive, a park-n-ride at Governor Drive, the south-facing portion of the Carroll Canyon DAR, and a direct connector from the SR–52 to the I–805 Managed Lanes.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA) for the project, approved on December 30th, 2010, in the FHWA Finding of No Significant Impacts (FONSI) issued on December 30th, 2010, and in other documents in the FHWA project records. The IS/MND & EA/FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final EA and FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist11/.* The USFWS decision and permit are available within the environmental document at the above Web site as an appendix. Pending Federal actions include:

- 401 Water Quality Certification from the Regional Water Quality Control Board, under Section 401 of the Clean Water Act.
- 404 Permit pursuant to the *Memorandum of Understanding among the FHWA; Caltrans, USACOE, U.S. Fish and Wildlife Service and the National Marine Fisheries Service for the National Environmental Policy Act and the Clean Water Act Section 404 Integration Process for Federal Aid Surface Transportation Projects in California* (NEPA/404 MOU).

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);
3. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act Amendments of 1990;
7. Clean Water Act of 1977 and 1987;
8. Endangered Species Act of 1973;
9. Migratory Bird Treaty Act;
10. Farmland Protection Policy Act of 1981;
11. Title VI of the Civil Rights Act of 1964;
12. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;
13. National Historic Preservation Act of 1966;
14. Historic Sites Act of 1935;
15. Executive Order 11990, Protection of Wetlands;
16. Executive Order 13112, Invasive Species;
17. Executive Order 11988, Floodplain Management; and,
18. Executive Order 12898, Environmental Justice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: January 11, 2011.

Shawn Oliver,

South Team Leader, State Programs, Federal Highway Administration, Sacramento, California.

[FR Doc. 2011–870 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Statute of Limitations on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project on a 3.5 mile combined segment of Trunk Highway (TH) 23 and U.S. Highway 71. The proposed project is from the TH 294 and TH 23/71 divergence on the south to the divergence of the TH 23 and U.S. Highway 71 on the north in Dovre Township, northeast of Willmar, Minnesota in Kandlyohi County. The proposed improvements include grade-separated interchanges at a relocated County Road 90 and at County State Aid Highway 25, median and driveway closures, and new or reconstructed segments of local frontage roads. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions of the proposed highway project will be barred unless the claim is filed within 180 days from the date this notice is published in the **Federal Register**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such a claim, than that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Derrell Turner, Division Administrator, Federal Highway Administration, 380 Jackson Street, Suite 500, Saint Paul, MN 55101, Telephone (651) 291–6100, e-mail: *Derrell.turner@dot.gov.* The Minnesota Division Office's normal business hours at 7:30 a.m. to 4 p.m. (Central Time). For the Minnesota Department of Transportation (Mn/DOT): Mr. Lowell Flaten, PE, Project Manager, District 8, 2505 Transportation Road, Willmar, MN 56201, Telephone: (320) 214–6367, e-mail: *Lowell.Flaten@state.mn.us.* The Mn/DOT District 8 normal business hours are 8 a.m. to 4:30 p.m (Central Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in Minnesota: TH 23/71 from the TH 294 and TH 23/71 divergence on the south to the divergence of the TH 23 and U.S. Highway 71 on the north in Dovre Township, northeast of Willmar, Minnesota. The project is located in Kandiyohi County. A Record of Decision (ROD) for this 3.5-mile section of the TH 23/71 corridor was signed by FHWA on November 9, 2010.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

3. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife coordination Act [15 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

5. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)]; Farmland Policy Protection Act (FPPA) [7 U.S.C. 4201–4209].

6. Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)(6)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

7. *Executive Orders:* E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.20S, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: December 29, 2010.

Derrell Turner,

Division Administrator, Federal Highway Administration, Saint Paul, Minnesota.

[FR Doc. 2011–735 Filed 1–14–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Statute of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project on TH 371 from the intersection of CSAH 18 in Nisswa (Crow Wing County) to the County Road 2/42 intersection in Pine River (Cass County), Minnesota. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions of the proposed highway project will be barred unless the claim is filed within 180 days from the date this notice is published in the **Federal Register**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such a claim, than that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Derrell Turner, Division Administrator, Federal Highway Administration, 380 Jackson Street, Suite 500, Saint Paul, MN 55101, Telephone (651) 291–6100, e-mail: *Derrell.turner@dot.gov.* The Minnesota Division Office's normal business hours at 7:30 a.m. to 4 p.m. (Central Time). For the Minnesota Department of Transportation (Mn/DOT): Mr. James E. Hallgren, PE, Project Manager, District 3, 7694 Industrial Park Road, Baxter, MN 56425, Telephone: (218) 828–5797, e-mail: *James.Hallgren@state.mn.us.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in Minnesota: TH 371 from the intersection of CSAH 18 in Nisswa to the County Road 2/42 intersection in Pine River. The project is located in Crow Wing and Cass Counties. A Record of Decision (ROD) for the TH 371 corridor from Nisswa to Pine River was signed by FHWA in 2005. A Supplemental Final Environmental Impact Statement (SFEIS) was prepared to address recent changes to the preferred alternative, based upon a request from the City of Pequot Lakes to change from a through-city design (the 2005 preferred alternative) to a bypass. The SFEIS also serves as a reevaluation of the entire corridor and to document minor changes since the ROD was signed in 2005.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

3. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [15 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

5. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Policy Protection Act (FPPA) [7 U.S.C. 4201–4209].

6. Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

7. *Executive Orders:* E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: December 29, 2010.

Derrell Turner,

Division Administrator, Federal Highway Administration, Saint Paul, Minnesota.

[FR Doc. 2011–734 Filed 1–14–11; 8:45 am]

BILLING CODE M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Project in Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed project, the SR 520 Pontoon Construction Project in the State of Washington. Those actions grant approval for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed within 180 days of the date of publication of this notice. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Randolph Everett, Major Projects Oversight Manager, Federal Highway Administration, Jackson Federal Building, 915 2nd Avenue, Room 3142, Seattle, Washington 98174; telephone: (206) 220–7538; and e-mail: *randolph.everett@dot.gov.* The FHWA Washington Division's Oversight Manager's regular office hours are between 8 a.m. and 4:30 p.m. (Pacific Time). You may also contact Allison Hanson, Director of Environmental Services—Mega Projects, SR 520 Bridge Replacement and HOV Program Office, 600 Stewart Street, Suite 520, Seattle, Washington 98101; telephone: 206–805–2880; and e-mail: *HansonA@wsdot.wa.gov.* The SR 520 Project's regular office hours are between 8 a.m. and 5 p.m. (Pacific Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions by issuing approval for the following highway project: the SR 520 Pontoon Construction Project. The project includes constructing pontoons sufficient to replace the existing traffic capacity of the Evergreen Point Bridge, in the event of the bridge's catastrophic failure. The selected alternative includes constructing a new casting basin facility at the Aberdeen Log Yard site in Aberdeen, WA. The pontoons would be stored in case they are needed for catastrophic failure response or until they are incorporated into the proposed bridge replacement.

The actions by the FHWA on this project, and the laws under which such actions were taken, are described in the May 2010 Draft Environmental Impact Statement (EIS), the December 2010 Final EIS, the January 2011 Record of Decision (ROD), and in other documents in the FHWA administrative record for the project. The Draft EIS, the Final EIS, the ROD, and the other documents supporting the decision are available by contacting the FHWA or the Washington State Department of Transportation at the addresses provided above.

The Draft EIS, the Final EIS, and the ROD can be viewed and downloaded from the project Web site at *http://www.wsdot.wa.gov/Projects/SR520/Pontoons.htm* or viewed at local libraries in the project area.

This notice applies to all Federal agency decisions on the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act [42 U.S.C. 4321–4347]; Federal-Aid Highway Act [23 U.S.C. 109].

2. Air: Clean Air Act, as amended [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544]; Section 7 of the Endangered Species Act [16 U.S.C. 1536]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

6. Wetlands and Water Resources: Section 7 of the Endangered Species Act [16 U.S.C. 1536]; Clean Water Act (Section 319 [33 U.S.C. 1329]); Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)].

7. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: January 10, 2011.

Daniel M. Mathis,

Division Administrator, Olympia, Washington.

[FR Doc. 2011–866 Filed 1–14–11; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Limitation on Claims.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for the following projects: (1) New Orleans Union Passenger Terminal (NOUPT)/Loyola Avenue Streetcar Project, New Orleans Regional Transit Authority, New Orleans, LA; (2) South Corridor: Portland-Milwaukie Light Rail Project, Tri-County Metropolitan Transportation District of Oregon (TriMet), Clackamas, and Portland, Oregon; and (3) Second Avenue Subway Project, Metropolitan Transportation Authority, New York, NY. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before July 18, 2011.

FOR FURTHER INFORMATION CONTACT: Katie Grasty, Environmental Protection Specialist, Office of Planning and Environment, 202–366–9139, or Christopher Van Wyk, Attorney-Advisor, Office of Chief Counsel, 202–366–1733. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with each project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on these projects. Contact information for FTA's Regional Offices may be found at *http://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register**. For example, this notice does not extend the limitation on claims announced for earlier decisions on the Second Avenue Subway project.

The projects and actions that are the subject of this notice are:

1. *Project name and location:* New Orleans Union Passenger Terminal (NOUPT)/Loyola Avenue Streetcar Project, New Orleans, LA. *Project sponsor:* New Orleans Regional Transit Authority. *Project description:* The NOUPT/Loyola Avenue Streetcar Project is a 0.8-mile alignment running between the New Orleans Union Passenger Terminal and Canal Streetcar line. The alignment will travel mostly in the lanes adjacent to the median on Loyola Avenue to connect the Canal Streetcar line at Canal Street/North Rampart Street.

Final agency actions: Section 106 finding of no adverse effect; project-level air quality conformity determination; Section 4(f) de minimis impact determination; and a Finding of No Significant Impact (FONSI) dated November 2010.

Supporting documentation: Environmental Assessment dated August 2010.

2. *Project name and location:* South Corridor: Portland-Milwaukie Light Rail Project, Clackamas, and Portland, Oregon. *Project sponsor:* TriMet. *Project description:* The project is a 7.3-mile light rail alignment between downtown Portland and Milwaukie, generally parallel to and east of Southeast McLoughlin Boulevard, with 10 light rail stations. *Final agency actions:* Section 4(f) determination; project-level air quality conformity; a Section 106 Memorandum of Agreement; and a Record of Decision dated November 2010. *Supporting documentation:* Final Environmental Impact Statement dated October 2010.

3. *Project name and location:* Second Avenue Subway, New York, NY. *Project sponsor:* Metropolitan Transportation Authority. *Project description:* The Second Avenue Subway project is the phased construction of a new 8.5-mile subway line under Second Avenue in Manhattan from 125th Street to Hanover Square in Lower Manhattan. It includes sixteen new stations which will be accessible by persons with disabilities. FTA has agreed to funding for the first phase of the project which will run between 105th Street and 62nd Street and will connect to the existing F line at 63rd Street, so that Phase 1 can be operated before the other phases are built. Various changes to Phase 1 have been evaluated in six technical memorandums. *Final agency actions:* FTA determination that neither a supplemental environmental impact statement nor a supplemental environmental assessment is necessary. *Supporting documentation:* Technical Memorandum No.7 assessing the final design of a combined station entrance and ancillary facility located at the northwest corner of 72nd Street and Second Avenue, dated December 2010.

Issued on: January 11, 2011.

Elizabeth S. Riklin,

Deputy Associate Administrator for Planning and Environment Washington, DC.

[FR Doc. 2011–860 Filed 1–14–11; 8:45 am]

BILLING CODE 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 February 2, 2011.

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 January 10, 2011.

Donald Burger,

Chief, Special Permits and Approvals Branch.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
7945–M		Pacific Scientific, Duarte, CA	49 CFR 173.304(a)(1); 175.3	To modify the special permit to authorize additional 2.2 hazardous materials in non-DOT specification cylinders.
14867–M		GTM Manufacturing, LLC, Amarillo, TX.	49 CFR 173.302a, 173.304a	To modify the special permit to authorize additional modes of transportation.

[FR Doc. 2011–831 Filed 1–14–11; 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 February 17, 2011.

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, SE., 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 January 10, 2011.

Donald Burger,

Chief, Special Permits and Approvals Branch.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
15206–N		Maxwell Technologies, San Diego, CA.	49 CFR 171.101(c)(1)	To allow the transportation in commerce electric double layer capacitors with an energy storable capacity of not more than 10Wh (modes 1, 2, 3, 4, 5, 6).
15207–N		Nippon Cargo Airlines, Chiba, JP.	49 CFR 173.302a(a)(1); 173.304a(a)(2); 175.3.	To authorize the transportation in commerce of certain non-DOT specification containers containing certain Division 2.3 material to be used in connection with spacecraft containing heat pipes.
15209–N		Southern California Edison, San Clemente, CA.	49 CFR 173.427(b)(1); 173.465(c); 173.465(d).	To authorize the transportation in commerce of steam generator lower assembles that exceed the surface contamination limits for surface contaminated objects.

[FR Doc. 2011–830 Filed 1–14–11; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue, NW., Washington, DC on February 1, 2011 at 11:30 a.m. of the following debt management advisory committee:

Treasury Borrowing Advisory Committee of the Securities Industry and Financial Markets Association

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues and conduct a working session. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and Public Law 103–202, § 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, § 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, § 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, § 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions and financing estimates. This briefing will give the press an opportunity to ask questions about financing projections. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Deputy Director for Office of Debt Management, (202) 622–1876.

Dated: January 7, 2011.

Mary Miller,

Assistant Secretary, Financial Markets.

[FR Doc. 2011–832 Filed 1–14–11; 8:45 am]

BILLING CODE 4810–25–M

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing—January 27, 2011, Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on "the national security implications of the economic relationship between the United States and the People's Republic of China."

Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on January 27, 2011, to address "China's Active Defense Strategy and its Regional Impact."

Background: This is the first public hearing the Commission will hold during its 2011 report cycle to collect input from leading academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The January 27 hearing will examine China's current defense strategies and their impact on U.S. and regional interests. The January 27 hearing will be co-chaired by Commissioners Carolyn Bartholomew and Larry M. Wortzel.

Any interested party may file a written statement by January 27, 2011, by mailing to the contact below. On January 27, the hearing will be held in two sessions, one in the morning and one in the afternoon. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Transcripts of past Commission public hearings may be obtained from the USCC Web site *http://www.uscc.gov.*

Date and Time: Thursday, January 27, 2011, 8:55 a.m. to 3:20 p.m. Eastern Standard Time. A detailed agenda for the hearing will be posted to the Commission's Web site at *http://www.uscc.gov* as soon as available.

ADDRESSES: The hearing will be held on Capitol Hill in Room 2212 of the Rayburn House Office Building located at Independence Avenue and South Capitol Street, Washington, DC 20515. Public seating is limited to about 50 people on a first come, first served basis. *Advance reservations are not required.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Michael Danis, Executive Director for the U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington, DC 20001; phone: 202–624–1407, or via e-mail at *contact@uscc.gov.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: January 11, 2010.

Michael Danis,

Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2011–844 Filed 1–14–11; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Agency Information Collection (Application for Service-Disabled Veterans Insurance) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 17, 2011.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov;* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to "OMB Control No. 2900–0068" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, fax (202) 273–0966 or e-mail *denise.mclamb@va.gov.* Please refer to "OMB Control No. 2900–0068."

SUPPLEMENTARY INFORMATION:

Title: Application for Service-Disabled Veterans Insurance, VA Forms 29–4364 and 29–0151.

OMB Control Number: 2900–0068.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Forms 29–4364 and 29–0151 to apply for service-disabled veterans insurance, designate a beneficiary and to select an optional settlement. VA uses the data collected to determine the claimant's eligibility for insurance.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 4, 2010, at pages 68036–68037.

Affected Public: Individuals or households.

Estimated Annual Burden: 8,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 25,000.

Dated: January 11, 2011.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2011–834 Filed 1–14–11; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 76 Tuesday

No. 11 January 18, 2011

Part II

Department of State

Office of the Chief of Protocol; Gifts to Federal Employees from Foreign Government Sources Reported to Employing Agencies in Calendar Year 2009; Notice

DEPARTMENT OF STATE

[Public Notice: 7296]

Office of the Chief of Protocol; Gifts to Federal Employees from Foreign Government Sources Reported to Employing Agencies in Calendar Year 2009

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 2009 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute. Also, included are gifts received in previous years including one gift in 2001, one gift in 2002, one gift in 2004, two gifts in 2006, one gift in 2007 and 20 gifts in 2008. These latter gifts are being reported in 2009 as the Office of the Chief of Protocol, Department of State, did not receive the relevant information to include them in earlier reports.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of Title 5, United States Code, as added by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95–105, August 17, 1977, 91 Stat. 865).

Dated: January 4, 2011.

Patrick F. Kennedy,

Under Secretary for Management, Department of State.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Book entitled "The National Palace of Mexico"; red and brown artwork made of Olinalá lacquer. Rec'd—1/20/2009. Est. Value—$400.00. Disposition—Archives Foreign.	His Excellency Felipe de Jesús Calderón Hinojosa, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Mikimoto desk clock; black basketball jersey. Rec'd—2/24/2009. Est. Value—$1,495.00. Disposition—Archives Foreign.	His Excellency Taro Aso, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Black and gold pen with a wooden pen holder, made from the wood of the HMS Gannet in Chatham; book entitled "Churchill and America" by Martin Gilbert; book entitled "Churchill: A Life" by Martin Gilbert; book set entitled "Biography of Winston S. Churchill," by Martin Gilbert. Rec'd—3/3/2009. Est. Value—$16,510.00. Disposition—Archives Foreign.	The Right Honorable James Gordon Brown, M.P., Prime Minister, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Four boxes of dates and twelve bottles of wine. Rec'd—3/5/2009. Est. Value—$500.00. Disposition—Handled Pursuant to Secret Service Policy.	His Excellency Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Belleek handcrafted basket. Rec'd—3/17/2009. Est. Value—$385.00. Disposition—Archives Foreign.	The Honorable Peter Robinson and the Honorable Martin McGuinness, First Minister and Deputy First Minister of Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "Restoring the Balance"; book entitled "The Military Balance 2009." Rec'd—3/20/2009. Est. Value—$388.00. Disposition—Archives Foreign.	The Honorable Richard Heller, Royal Danish Consulate, Denmark.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Small wooden CD holder; one book; fifteen compact discs. Rec'd—4/1/2009. Est. Value—$415.00. Disposition—Archives Foreign.	His Excellency Dmitry Medvedev, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Black leather Montblanc briefcase. Rec'd—4/3/2009. Est. Value—$760.00. Disposition—Archives Foreign.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Gold medal created by the Czech mint featuring an image of President Obama. Rec'd—4/4/2009. Est. Value—$1,460.00. Disposition—Archives Foreign.	The Honorable Petr Tulpa, Mayor of Jablonec Nad Nisou, Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Two cufflinks made by Sevan Bicakci; blue and silver glass vase. Rec'd—4/6/2009. Est. Value—$1,550.00. Disposition—Archives Foreign.	His Excellency Abdullah Gul, President of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Two handwoven decorative rugs; one framed portrait of a woman wearing a green dress; one framed portrait depicting two women and a man surrounded by birds. Rec'd—4/7/2009. Est. Value—$1,850.00. Disposition—Archives Foreign.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Silver tray with a floral design; ceremonial plaque; four CDs; two informational booklets. Rec'd—4/20/2009. Est. Value—$520.00. Disposition—Archives Foreign.	The Honorable Agnaldo Timóteo Pereira, Councilman for Sao Paulo Municipality, Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Six decorative ceremonial weapons presented in a glass case. Rec'd—4/21/2009. Est. Value—$1,265.00. Disposition—Archives Foreign.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Black Bosca leather briefcase; CD entitled "The Fifth Summit of the Americas 2009"; DVD entitled "Cepal Publications 2008"; five books about Trinidad and Tobago. Rec'd—4/22/2009. Est. Value—$620.00. Disposition—Archives Foreign.	The Right Honorable Patrick Manning, Prime Minister of the Republic of Trinidad and Tobago.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bronze statue of a girl releasing a flock of doves. Rec'd—5/05/2009. Est. Value—$8,000.00. Disposition—Archives Foreign.	His Excellency Shimon Peres, President of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large oval blue lapis bowl, presented in a blue velvet presentation box. Rec'd—5/06/2009. Est. Value—$850.00. Disposition—Archives Foreign.	His Excellency Dr. Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	3′ tall handcarved ebony wooden sculpture. Rec'd—5/21/2009. Est. Value—$6,000.00. Disposition—Archives Foreign.	His Excellency Jakaya Kikwete, President of the United Republic of Tanzania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large cream-colored rug with fringes. Rec'd—5/26/2009. Est. Value—$2,500.00. Disposition—Archives Foreign.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	25″ x 29″ framed painting of a tree; eight books. Rec'd—5/28/2009. Est. Value—$446.00. Disposition—Archives Foreign.	His Excellency Dr. Mahmoud Abbas, President of the Palestinian Authority.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bottle of olive oil. Rec'd—5/28/2009. Est. Value—$75.00. Disposition—Handled Pursuant to Secret Service Policy.	His Excellency Dr. Mahmoud Abbas, President of the Palestinian Authority.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Pair of 18 karat rose gold cufflinks in the shape of shields; Meissen porcelain tray. Rec'd—6/03/2009. Est. Value—$600.00. Disposition—Archives Foreign.	The Honorable Stanislaw Tillich Minister-President of the Free State of Saxony, Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Large desert scene on a green veined marble base featuring miniature figurines of gold palm trees and camels; large gold medallion with the Royal seal in a green leather display box; large brass and glass clock by Jaeger-LeCoultre in a green leather display case. Rec'd—6/03/2009. Est. Value—$34,500.00. Disposition—Archives Foreign.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Meissen tea set with a floral design; book entitled "Meissen in Meissen." Rec'd—6/04/2009. Est. Value—$415.00. Disposition—Archives Foreign.	Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Twelve silk ties. Rec'd—6/15/2009. Est. Value—$1,680.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Antique brass Samovar. Rec'd—7/07/2009. Est. Value—$400.00. Disposition—Archives Foreign.	His Excellency Vladimir Putin, Chairman of the Government of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large crystal table with an image of the American Flag. Rec'd—7/07/2009. Est. Value—$6,000.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Orange Batavus "Holland on the Hudson" bicycle with an extra bike seat. Rec'd—7/09/2009. Est. Value—$1,480.00. Disposition—Archives Foreign.	His Excellency Jan Peter Balkenende, Prime Minister of the Kingdom of the Netherlands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Gilt framed and matted mosaic depicting St. Peter's Square; decorative gold coin with the inscription "Benedict XVI Pont Max Anno IV" with the profile of Pope Benedict the XVI; booklet entitled "Instruction Dignitas Personae On Certain Bioethical Questions"; book entitled "Encyclical Letter Caritas in Veritate of the Supreme Pontiff Benedict XVI"; silver keychain. Rec'd—7/10/2009. Est. Value—$7,905.00. Disposition—Archives Foreign.	His Holiness Pope Benedict XVI, Holy See.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	31″ x 47″ portrait of President Obama with an American Flag. Rec'd—7/21/2009. Est. Value—$700.00. Disposition—Archives Foreign.	His Excellency Dr. John Evans Atta Mills, President of the Republic of Ghana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Large silver vase with images of palm trees and sphinxes; Iraqi soccer team jersey. Rec'd—7/22/2009. Est. Value—$675.00. Disposition—Archives Foreign.	His Excellency Nouri al-Maliki, Prime Minister of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Set of white mother-of-pearl cufflinks with blue sapphires in 18 karat white gold in a box made from shells and leather. Rec'd—7/30/2009. Est. Value—$875.00. Disposition—Archives Foreign.	Her Excellency Gloria Macapagal-Arroyo, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Mother-of-pearl and lapis lazuli gilt bronze box. Rec'd—8/03/2009. Est. Value—$1,100.00. Disposition—Archives Foreign.	His Highness Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Nine books related to the history and culture of Morocco. Rec'd—8/04/2009. Est. Value—$624.00. Disposition—Archives Foreign.	His Majesty Mohammed VI, King of the Kingdom of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "The Aztec Calendar and Other Solar Monuments" by Eduardo Matos and Felipe Solis; one metal Aztec calendar on a wooden display stand. Rec'd—8/25/2009. Est. Value—$422.00. Disposition—Archives Foreign.	His Excellency Felipe de Jesús Calderón Hinojosa, President of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	3′ x 6′ wooden framed watercolor on paper depicting a landscape with limestone cliffs. Rec'd—9/20/2009. Est. Value—$3,000.00. Disposition—Archives Foreign.	His Excellency Wu Banggou, Chairman of the Standing Committee of the National People's Congress of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Francesco Basile gold watch. Rec'd—9/23/2009. Est. Value—$6,400.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Painting entitled "Mauritius—A Haven for Peace and Harmony," by Daniele Hitie. Rec'd—9/23/2009. Est. Value—$1,200.00. Disposition—Archives Foreign.	The Honorable Dr. Navinchandra Ramgoolam, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Silver bowl with a raised floral motif. Rec'd—9/23/2009. Est. Value—$400.00. Disposition—Archives Foreign.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Silver box imprinted with the insignia of the Kingdom of Thailand. Rec'd—9/23/2009. Est. Value—$450.00. Disposition—Archives Foreign.	His Excellency Abhisit Vejjajiva, Prime Minister of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "I Vetri di Archimede Seguso dal 1950 al 1959"; pair of blown glass candleholders and a glass fruit bowl. Rec'd—9/24/2009. Est. Value—$14,445.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Burgundy rug with a foliate motif. Rec'd—9/24/2009. Est. Value—$1,200.00. Disposition—Archives Foreign.	His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Bronze replica of a sculpture by Edgar Degas, entitled "Halted Horse." Rec'd—9/25/2009. Est. Value—$2,635.00. Disposition—Archives Foreign.	His Excellency Nicolas Sarkozy, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "Barcelona & Catalonia"; framed currency entitled "The United Colonies, Four Dollars", printed in Philadelphia in 1776 and documents of the Santa Fe Capitulations in a grey velvet case. Rec'd—10/13/2009. Est. Value—$739.00. Disposition—Archives Foreign.	His Excellency José Luis Rodríguez Zapatero, President of the Government of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States.	Graf von Faber-Castell "Perfect Pencil." Rec'd—10/22/2009. Est. Value—$395.00. Disposition—Archives Foreign.	His Excellency José Manuel Durao Barroso, President of the European Commission.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "A Carnegie Anthology"; book entitled "Scottish Estate Tweeds"; one Johnstons cashmere sweater. Rec'd—10/22/2009. Est. Value—$1,019.00. Disposition—Archives Foreign.	The Right Honorable James Gordon Brown, M.P., Prime Minister, United Kingdom.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Porcelain sculpture of five oxen. Rec'd—10/22/2009. Est. Value—$1,200.00. Disposition—Archives Foreign.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	39″ x 49″ wooden framed and matted fine silk embroidery depicting a portrait study of the First Family. Rec'd—11/01/2009. Est. Value—$20,000.00. Disposition—Archives Foreign.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	15″ blue glass jar with a silver design. Rec'd—11/02/2009. Est. Value—$538.00. Disposition—Archives Foreign.	His All Holiness Bartholomew, Archbishop of Constantinople, New Rome and Ecumenical Patriarch.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	16″ x 27″ framed Japanese calligraphy. Rec'd—11/12/2009. Est. Value—$350.00. Disposition—Archives Foreign.	The Honorable Kazunori Yamanoi, Member of the House of Representatives, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Chinese porcelain vase with a blue and white floral motif. Rec'd—11/15/2009. Est. Value—$450.00. Disposition—Archives Foreign.	The Honorable Han Zheng, Mayor of Shanghai, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	50″ x 62″ rug with an image of President Obama. Rec'd—11/17/2009. Est. Value—$1,200.00. Disposition—Archives Foreign.	The Honorable Gadzhi Makhachev, Permanent Representative of the Republic of Daghestan in Moscow, Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	10″ x 6″ gold vase. Rec'd—12/07/2009. Est. Value—$2,150.00. Disposition—Archives Foreign.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	14″ green glass vase with gold crescent and star designs, made by Palabahçe. Rec'd—12/28/2009. Est. Value—$1,100.00. Disposition—Archives Foreign.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States.	Book entitled "Stories from the Panchatantra"; book entitled "Ancient Tales of Wit and Wisdom"; book entitled "The Puffin Treasury of Modern Indian Stories"; book entitled "A History of Ancient and Early Medieval India"; book entitled "The Gandhi Collection: History in the Making: The Visual Archives of Kulwant Roy." Rec'd—12/22/2009. Est. Value—$3,572.00. Disposition—Archives Foreign.	His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	One framed photograph of Her Majesty Queen Elizabeth II; one framed photograph of Prince Phillip. Rec'd—4/01/2009. Est. Value—$775.00. Disposition—Archives Foreign.	Her Majesty Queen Elizabeth II, United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	S.T. Dupont fountain pen; book entitled "S.T. Dupont Limited Editions"; Daum perfume bottle. Rec'd—4/3/2009. Est. Value—$1,185.00. Disposition—Archives Foreign.	His Excellency Nicolas Sarkozy, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Stainless steel watch with an accompanying historical booklet; brooch decorated with a red design; white ceramic dog bowl. Rec'd—4/05/2009. Est. Value—$579.00. Disposition—Archives Foreign.	His Excellency Mirek Topolánek, Prime Minister of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Set of six handmade wine glasses, and a book entitled "The Story of Prague Castle." Rec'd—4/06/2009. Est. Value—$1,605.00. Disposition—Archives Foreign.	His Excellency Vaclav Klaus, President of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Five Ascot ties in assorted colors and two Krefelder Seidentuch silk scarves. Rec'd—6/01/2009. Est. Value—$440.00. Disposition—Archives Foreign.	The Honorable Gregor Kathstede, Lord Mayor of Krefeld, Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Painting entitled "Natalia Pushkina" by Alexander Pavlovich Brullov, reproduction of a portrait of Alexander Pushkin's wife; porcelain doll designed by Anastasia Chizhova; framed replica of the address by the people of North American States to Alexander II; reproductions of letters between Emperor Alexander II and President Lincoln; lace tablecloth with twelve matching placemats; porcelain tea set made at the Imperial Porcelain Factory in Saint Petersburg. Rec'd—7/06/2009. Est. Value—$2,125.00. Disposition—Archives Foreign.	His Excellency Dmitry Medvedev, President of the Russian Federation and Mrs. Svetlana Medvedeva.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Two men's Belstaff jackets; one women's Belstaff jacket. Rec'd—7/06/2009. Est. Value—$3,071.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Two gilt framed portraits of the President and First Lady, carved in wood. Rec'd—9/23/2009. Est. Value—$900.00. Disposition—Archives Foreign.	His Excellency Bingu wa Mutharika, President of the Republic of Malawi.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Five sterling silver cocktail forks; piece of orange decorative brocade cloth. Rec'd—9/24/2009. Est. Value—$387.00. Disposition—Archives Foreign.	His Excellency and Mrs. Yukio Hatoyama, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	Three multicolored shirts and two full-length cloth garments. Rec'd—11/17/2009. Est. Value—$450.00. Disposition—Archives Foreign.	Mrs. Chantal Compaore, Wife of the President of Burkina Faso.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Barack Obama, President of the United States, and First Lady Michelle Obama.	3′ x 3′ framed portrait of the President and First Lady by Petit-Bois Ancener; 5′ x 5′ portrait of the President by Petit-Bois Ancener. Rec'd—12/30/2009. Est. Value—$4,025.00. Disposition—Archives Foreign.	His Excellency Raymond A. Joseph, Ambassador of the Republic of Haiti.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Franck Muller Color Dreams watch; accompanying book. Rec'd—4/4/2009. Est. Value—$12,895.00. Disposition—Archives Foreign.	The Honorable Dierk Wettengel, Senator, Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	18 karat yellow gold chain with pearls and small diamonds. Rec'd—4/6/2009. Est. Value—$400.00. Disposition—Archives Foreign.	Mrs. Hayrünnisa Gül, Wife of the President of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Necklace made of 33 pearls with a sterling silver pendant. Rec'd—4/2/2009. Est. Value—$14,200.00. Disposition—Archives Foreign.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Decorative box made of crystal and lacquered wood. Rec'd—4/04/2009. Est. Value—$1,000.00. Disposition—Archives Foreign.	The Honorable Roland Ries, Mayor of Strasbourg, French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Brown leather "Sadaf International" purse; brown "Sadaf International" jewelry box. Rec'd—6/02/2009. Est. Value—$490.00. Disposition—Archives Foreign.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Ruby and diamond jewelry set consisting of a pair of earrings, a ring, a bracelet, and a necklace. Rec'd—6/03/2009. Est. Value—$132,000.00. Disposition—Archives Foreign.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Black Christian Dior handbag. Rec'd—6/19/2009. Est. Value—$4,500.00. Disposition—Archives Foreign.	Mrs. Carla Sarkozy, Wife of the President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Pink pearl necklace and a multicolored silk scarf. Rec'd—6/23/2009. Est. Value—$500.00. Disposition—Archives Foreign.	Mrs. Datin Siti Rubiah Bt. Datuk Abdul Samad, Wife of the Minister of Foreign Affairs, Malaysia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	18 karat yellow gold brooch decorated with cultured pearls and yellow citrines presented in a green wooden jewelry box; one book entitled "Kulinarya: A Guidebook to Philippine Cuisine" by Michaela Fenix. Rec'd—7/30/2009. Est. Value—$938.00. Disposition—Archives Foreign.	Her Excellency Gloria Macapagal-Arroyo, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Red woven shawl; and a lapis and silver jewelry set, including a pair of earrings and a necklace. Rec'd—8/11/2009. Est. Value—$450.00. Disposition—Archives Foreign.	Her Excellency Michelle Bachelet, President of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Brown and black Italian leather purse. Rec'd—8/21/2009. Est. Value—$450.00. Disposition—Archives Foreign.	The Honorable Giovanni Chiodi, President of the Abruzzo Region, Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady Michelle Obama	Traditional necklace made of green, yellow, and white beads; pair of brown leather sandals; two woven seat covers; three pieces of Ghanaian kente cloth. Rec'd—8/25/2009. Est. Value—$685.00. Disposition—Archives Foreign.	Head Chief Osabarima Kwesi Atta, President, Oguaa Traditional Council, Cape Coast, Republic of Ghana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Backes and Strauss "Black Star of Ghana" watch, crafted in 18 karat gold with diamonds and leather. Rec'd—8/25/2009. Est. Value—$48,000.00. Disposition—Archives Foreign.	Mrs. Ernestina Naadu Mills, First Lady of the Republic of Ghana.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Framed signed photograph of the Prince and the Princess of the Netherlands; two ottomans made by Christien Meindertsma. Rec'd—9/11/2009. Est. Value—$5,372.00. Disposition—Archives Foreign.	His Royal Highness Willem-Alexander, Prince of the Netherlands, and Her Royal Highness Máxima, Princess of the Netherlands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Silver jewelry set including a necklace, earrings and ring. Rec'd—9/23/2009. Est. Value—$490.00. Disposition—Archives Foreign.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Two leather bags; one cloth tote bag; one brown suede shawl. Rec'd—9/25/2009. Est. Value—$975.00. Disposition—Archives Foreign.	Her Excellency Cristina Fernandez de Kirchner, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Necklace of multi-strand Akoya, Keshi, and freshwater pearls. Rec'd—9/25/2009. Est. Value—$9,700.00. Disposition—Archives Foreign.	Mrs. Miyuki Hatoyama, Wife of the Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Beige pashmina shawl made by the Kashmir Loom Company. Rec'd—9/25/2009. Est. Value—$666.00. Disposition—Archives Foreign.	His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	White leather Chanel notebook; S.T. Dupont white gold pen set; book entitled "Warhol: Le Grand Monde d' Andy Warhol." Rec'd—9/25/2009. Est. Value—$3,766.00. Disposition—Archives Foreign.	His Excellency Nicolas Sarkozy, President of the French Republic and Mrs. Carla Bruni-Sarkozy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Two sets of 25″ x 23″ reproductions of The Codex Atlanticus by Leonardo da Vinci. Rec'd—9/25/2009. Est. Value—$1,000.00. Disposition—Archives Foreign.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Lacquered wooden jewelry box; jewelry set consisting of an amber necklace and an amber bracelet. Rec'd—11/17/2009. Est. Value—$515.00. Disposition—Archives Foreign.	Mrs. Kateryna Yushchenko, First Lady of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Painting of St. Michael the Archangel; set of six DVDs; one book. Rec'd—11/17/2009. Est. Value—$2,575.00. Disposition—Archives Foreign.	His All Holiness Bartholomew, Archbishop of Constantinople, New Rome and Ecumenical Patriarch.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady Michelle Obama	Wooden box with silver overlay; four beaded table coverings. Rec'd—12/07/2009. Est. Value—$850.00. Disposition—Archives Foreign.	His Excellency Recep Tayyip Erdogan, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Two silver enamel sculptures of a King Fisher and a parrot. Rec'd—12/22/2009. Est. Value—$1,400.00. Disposition—Archives Foreign.	Mrs. Gursharan Kaur, Wife of the Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama	Tan suede shawl made by Margarita Sierra. Rec'd—9/18/2009. Est. Value—$350.00. Disposition—Archives Foreign.	His Excellency Dr. Tabaré Vazquez, President of the Oriental Republic of Uruguay and Mrs. Maria Delgado.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	30″ x 41″ wooden replica model of the USS Constitution; Swarovski crystal figurine entitled "Dalmally—Tropic Sun." Rec'd—2/6/2009. Est. Value—$1,400.00. Disposition—Archives Foreign.	The Honorable Dr. Navinchandra Ramgoolam, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Large porcelain jar; decorative fan with images of butterflies; small white and pink tea set; one green and blue glass jar in the shape of a kneeling water buffalo. Rec'd—3/12/2009. Est. Value—$700.00. Disposition—Archives Foreign.	His Excellency Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Limited edition copy of "Beowulf"; painting entitled "Bogland" by Mark Dwyer; four books; limited edition Waterford crystal bowl. Rec'd—3/17/2009. Est. Value—$3,281.00. Disposition—Archives Foreign.	His Excellency Brian Cowen, T.D., Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Purple shawl made with Harris Tweed Hebrides fabric; assorted children's clothing including three shirts, two pairs of sunglasses, two skirts, one belt, one blazer, one pair of jeans, and two wooden bead necklaces. Rec'd—4/01/2009. Est. Value—$485.00. Disposition—Archives Foreign.	Mrs. Sarah Brown, Wife of the Prime Minister, United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Oil on canvas painting entitled "Le Changement." Rec'd—7/09/2009. Est. Value—$850.00. Disposition—Archives Foreign.	His Excellency Giorgio Napolitano, President of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Large red linen portfolio containing ten lithographs of the fountains of the Vatican; Bible in a burgundy leather case; book entitled "Vatican City"; two children's hats; children's puzzle; children's wrist watch. Rec'd—7/10/2009. Est. Value—$1,007.00. Disposition—Archives Foreign.	His Eminence Tarcisio Cardinal Bertone, S.D.B., Secretary of State, Holy See.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Six pieces of kente cloth and two glass bead jewelry sets, each consisting of a necklace, earrings, and two bracelets. Rec'd—7/21/2009. Est. Value—$615.00. Disposition—Archives Foreign.	Mrs. Ernestina Naadu Mills, First Lady of the Republic of Ghana.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family	Two silver charm bracelets; two wooden kaleidoscopes; two wooden music jewelry boxes; three sets of cufflinks; a blue silk tie; purple pashmina scarf. Rec'd—9/25/2009. Est. Value—$559.00. Disposition—Archives Foreign.	His Excellency Jan Peter Balkenende, Prime Minister of the Kingdom of the Netherlands.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama and First Family Children.	Lara Bohinc rose gold Solar Eclipse bracelet; book entitled "The Railway Children"; book entitled "Stories from Shakespeare." Rec'd—4/01/2009. Est. Value—$521.00. Disposition—Archives Foreign.	Mrs. Samantha Cameron, Wife of the Right Honorable David Cameron, Leader of the Opposition of the United Kingdom of Great Britain and Northern Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady Michelle Obama and First Family Children.	Yellow alabaster bowl; sterling silver chains with charms; four white tablecloths with matching napkin rings. Rec'd—9/23/2009. Est. Value—$630.00. Disposition—Archives Foreign.	Mrs. Suzanne Mubarak, Wife of the President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Four books and seventeen DVDs. Rec'd—4/02/2009. Est. Value—$470.00. Disposition—Archives Foreign.	Mrs. Thérèse Rein, Wife of the Prime Minister of Australia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Jewelry set including heart-shaped diamond earrings and a necklace. Rec'd—6/04/2009. Est. Value—$3,775.00. Disposition—Archives Foreign.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Jewelry set including square diamond earrings and a necklace. Rec'd—6/04/2009. Est. Value—$3,500.00. Disposition—Archives Foreign.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Four pink and orange scarves; one teddy bear; and one black lacquer jewelry box. Rec'd—6/16/2009. Est. Value—$570.00. Disposition—Archives Foreign.	His Excellency Lee Myung-bak, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Two 15-piece nesting dolls. Rec'd—7/07/2009. Est. Value—$500.00. Disposition—Archives Foreign.	Mrs. Svetlana Medvedeva, Wife of President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Four dresses and two jackets, designed by Isabel Garreton. Rec'd—7/20/2009. Est. Value—$815.00. Disposition—Archives Foreign.	Senator Pablo Longueira Montes, Republic of Santiago Poniente, Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family Children	Two purple Samsung compact digital cameras; two pieces of pink decorative brocade silk fabric. Rec'd—11/19/2009. Est. Value—$740.00. Disposition—Archives Foreign.	His Excellency Lee Myung-bak, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Axelrod, David.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$9,000.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member. Brennan, John.	Crystal clock in the shape of a horse. Rec'd—4/07/2009. Est. Value—$397.00. Location—Pending Transfer to the General Services Administration.	The Honorable Elias Murr, Minister of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Emanuel, Rahm.	49″ x 76″ cream-colored rug. Rec'd—5/26/2009. Est. Value—$700.00. Location—Pending Transfer to the General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Emanuel, Rahm.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$8,485.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Favreau, Jon.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,155.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Gibbs, Robert.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,235.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jarrett, Valerie.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,055.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jones, James.	48″ x 77″ red rug. Rec'd—6/11/2009. Est. Value—$700.00. Location—Pending Transfer to the General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jones, James.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$7,780.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member. Jones, James.	Chinese porcelain vase designed by Li Molin. Rec'd—10/14/2009. Est. Value—$350.00. Location—Pending Transfer to the General Services Administration.	Mr. Li Yuanchao, Director, Politburo of the Communist Party of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jones, James.	87″ x 35″ scroll, watercolor painting of a raptor with Mandarin characters. Rec'd—10/28/2009. Est. Value—$500.00. Location—Pending Transfer to the General Services Administration.	General Xu Caihou, Vice Chairman, Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Jones, James.	Decorative display rifle, mounted on wood. Rec'd—10/07/2009. Est. Value—$650.00. Location—Pending Transfer to the General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Lippert, Mark.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,260.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Mastromonaco, Alyssa.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,085.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. McDonough, Denis.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$4,575.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Nicholson, Marvin.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$18,580.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Pfeiffer, Daniel.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$4,740.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—EXECUTIVE OFFICE OF THE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
White House Staff Member. Rhodes, Benjamin.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$5,405.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Rundlet, Peter.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$12,560.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Summers, Lawrence.	A silk Chinese scroll enclosed in a presentation box. Rec'd—3/30/2009. Est. Value—$400.00. Location—Pending Transfer to the General Services Administration.	The Honorable Liu He, Chinese Vice Minister, The State Council Informatization Office, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
White House Staff Member. Talwar, Puneet.	One pair of silver cufflinks, one male watch, one female watch, one silver pen, and one diamond jewelry set including earrings, a ring, and a bracelet, presented in a green leather case. Rec'd—6/3/2009. Est. Value—$10,680.00. Location—Pending Transfer to the General Services Administration.	Abdullah bin Abd al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	109″ x 150″ Pakistani carpet with oval palmettos on curvilinear vines, leaves in white with red on an indigo field and a predominating border of rosettes. Rec'd—5/6/2009. Est. Value—$1,700.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Asif Ali Zardari, President of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Baccarat jumping horse clock. Rec'd—5/17/2009. Est. Value—$510.00. Location—National Archives.	His Excellency Elias Murr, Minister of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	40-piece handmade serving set from Lebanon by Haddad, with black horn bird handles with crests dotted in turquoise and red. Rec'd—5/17/2009. Est. Value—$350.00. Location—National Archives.	Her Excellency Nayla Rene Moawad, Minister for Social Affairs of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	18k gold Medal of Freedom coin in a decorative blue case with a presentation tag to The Vice President from President Sejdiu. Rec'd—5/21/2009. Est. Value—$2,000.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Dr. Fatmir Sejdiu, President of the Republic of Kosovo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large framed reproduction of the Declaration of Independence of Kosovo in a molded gold tone frame. Rec'd—5/13/2009. Est. Value—$650.00. Location—Pending transfer to National Archives.	His Excellency Dr. Fatmir Sejdiu, President of the Republic of Kosovo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large framed sketch of a window and a table. Rec'd—5/14/2009. Est. Value—$570.00. Location—Pending transfer to National Archives.	His Excellency Nebojsa Radmanovic, His Excellency Haris Silajdzic, and His Excellency Zelijko Komsic, The Tri-Presidency of Bosnia and Herzegovina.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	81″ x 121″ Afghani carpet with center medallion style of rosettes and indigo medallions on a white field filled with rectilinear foliate vines and surrounded by red stepped spandrels and borders. Rec'd—5/6/2009. Est. Value—$900.00. Location—Disposition—Permission to Retain for Official Use Only.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Tan "leatherette" box with a plaque with an enameled image of a lion, surrounded by a hand painted border with images and embossed metal corners. Rec'd—7/4/2009. Est. Value—$390.00. Location—National Archives.	His Excellency Tariq Al-Hashimi, Vice President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Large plexiglas box with metal olive branch attached; two candles in leather containers; leather box with a decorative glass lid; embroidered leather box. Rec'd—7/9/2009. Est. Value—$445.00. Location—National Archives.	Their Majesties King Abdullah II bin Al Hussein and Queen Rania, King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Two 4.5″ Phoenician juglets in a clear acrylic case. Rec'd—5/23/2009. Est. Value—$500.00. Disposition—Permission to Retain for Official Use Only.	His Excellency General Michael Sleiman, President of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Hand painted plaque in a beige leather frame in a matching beige leather presentation case. Rec'd—8/20/2009. Est. Value—$345.00. Location—National Archives.	His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Two silver and blue lapis candle stick holders. Rec'd—8/20/2009. Est. Value—$460.00. Location—National Archives.	Her Excellency Michelle Bachelet, President of the Republic of Chile.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: THE WHITE HOUSE—OFFICE OF THE VICE PRESIDENT—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Replica of the Saif Palace (9.5″ x 9.5″ x 22″) in a brown leather showcase with gold-colored latches. Rec'd—9/3/2009. Est. Value—$1,400.00. Location—National Archives.	His Excellency Sheik Sabah Al-Ahmed Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Silver octagonal box with etched details. Rec'd—10/22/2009. Est. Value—$440.00. Location—National Archives.	His Excellency Mohamed Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Statue of a jungle fowl rooster on a wooden base (4.5″ x 8.5″) in a presentation box. Rec'd—10/22/2009. Est. Value—$550.00. Location—National Archives.	His Excellency Dr. Manmohan Singh, Prime Minister of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Kathleen Biden, The Vice President's Daughter-in-law.	Brooch comprised of eight curves with graduated garnets on a gold plated mount. Rec'd—10/28/2009. Est. Value—$385.00. Location—National Archives.	His Excellency Jan Fischer, Prime Minister of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Crystal bowl with red coloring. Rec'd—10/28/2009. Est. Value—$1,860.00. Location—National Archives.	His Excellency Václav Klaus President of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Burgundy glass vase with a white design. Rec'd—11/25/2009. Est. Value—$1,900.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Václav Klaus, President of the Czech Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Red glass sculpture of five loops of four concentric bands on a base with a presentation plaque in a a black presentation case; framed stamp set. Rec'd—10/28/2009. Est. Value—$820.00. Disposition—Permission to Retain for Official Use Only.	Dr. Sorin Oprescu, Mayor of Bucharest, Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Sterling silver plate by William and Son of London with a presentation tag on the rim in a presentation box. Rec'd—6/26/2009. Est. Value—$1,100.00. Location—National Archives.	His Royal Highness Prince Salman Bin Hamad Bin Isa Al-Khalifa of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Tri-handled artifact vase (3.5″ x 2.8″) in a clear acrylic vase. Rec'd—12/15/2009. Est. Value—$950.00. Disposition—Permission to Retain for Official Use Only.	His Excellency General Michael Sleiman, President of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	45″ x 67″ multicolored rug with a repeating floral medallion design on an ivory field with three borders. Rec'd—11/24/2009. Est. Value—$440.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Dr. Manmohan Singh, Prime Minister of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph R. Biden, Jr., Vice President of the United States.	Fountain pen by Stipula in a black case with "28" written in white, with a 14k white gold nib, and a cap marked "Prezydent Rzeoypospolitej Polskiej/made in Italy." Rec'd—10/21/2009. Est. Value—$580.00. Location—National Archives.	His Excellency Lech Kaczynski, President of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed photograph of the King and Secretary Clinton with a hand-written message by His Majesty in a leather frame with silver accents and matching leather presentation box. Rec'd—March 18, 2009. Est. Value—$650.00. Location—Pending Transfer to General Services Administration.	His Majesty Shaikh Hamad Bin Isa Bin Salman Al-Khalifa, King of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Crystal Baccarat clock of a jumping horse. Rec'd—April 8, 2009. Est. Value—$485.00. Location—Pending Transfer to General Services Administration.	His Excellency Elias Murr, Minister of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large marble bowl of blue lapis with circular design in blue velvet box. Rec'd—May 6, 2009. Est. Value—$820.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Yellow and burgundy imperial china set with service for five and silk table runner in yellow silk box. Rec'd—February 1, 2009. Est. Value—$365.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Iraqi woven carpet in green slipcase. Rec'd—April 25, 2009. Est. Value—$400.00. Location—Pending Transfer to General Services Administration.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Chinese calligraphy portrait scroll in presentation box. Rec'd—October 27, 2009. Est. Value—$400.00. Location—Pending Transfer to General Services Administration.	General Xu Caihou, Vice-Chairman, Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Woven carpet with city skyline design; Signed book: "Jalal: From Freedom Fighter to President" in presentation box. Rec'd—September 25, 2009. Est. Value—$355.00. Location—Pending Transfer to General Services Administration.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Carved wooden ebony statue of five figures on a base; Framed photograph of The President and Mrs. Clinton with the Vice President (1996). Rec'd—August 6, 2009. Est. Value—$410.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Stephen Kalonzo Musyoka, Vice President and Minister of Home Affairs of the Republic of Kenya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Personalized Dohjang stamp, inkpad and writing scroll; Book: "Behind the Shadow of 9/11" signed by the author. Rec'd—February 20, 2009. Est. Value—$500.00. Location—Pending Transfer to General Services Administration.	His Excellency Han Seung-soo, Prime Minister of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	24K gold commemorative coin (16.9 Grams) of the Prince's exhibition to Antarctica. Rec'd—March 6, 2009. Est. Value—$500.00. Location—Pending Transfer to General Services Administration.	His Serene Highness Albert II, Sovereign Prince of Monaco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large silvered-bronze Buddha statue with gilt wash in red velvet presentation box. Rec'd—December 1, 2009. Est. Value—$670.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Madhav Kumar Nepal, Prime Minister of the Federal Democratic Republic of Nepal.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Clock with brass nautical scene and marble base; Coin: sterling top in lacquer box; Coin: 2009 comemmorative coin with gold center; Coin: 2007 sterling silver with green enamel; Book: "Ukraine: Nature, Traditions and Culture"; Book: "Castles and Fortresses of Ukraine". Rec'd—December 9, 2009. Est. Value—$630.00. Location—Pending Transfer to General Services Administration.	His Excellency Petro Poroshenko, Minister of Foreign Affairs of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	6" hand-blown vase with black, yellow and green striped design accented with ferns; Book: "Antarctic Partners" signed by the Minister. Rec'd—April 7, 2009. Est. Value—$385.00. Disposition—Permission to Retain for Official Use Only.	The Right Honorable Murray McCully, M.P., Minister of Foreign Affairs and Trade of New Zealand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large decorative red and brown woven carpet with a diamond design. Rec'd—October 31, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Excellency Farooq H. Naek, Chairman of the Senate of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Burl wood travel jewelry case with blue lining; Book: "Malaccan Palace" with hand-painted watercolor foredge in custom presentation box with brass details. Rec'd—November 30, 2009. Est. Value—$530.00. Location—Pending Transfer to General Services Administration.	Her Excellency Gloria Macapagal-Arroyo, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Jewelry box inlaid with gemstones; Illustrated history book of Philippine-American relations. Rec'd—November 12, 2009. Est. Value—$345.00. Location—Pending Transfer to General Services Administration.	His Excellency Alberto Romulo, Secretary of Foreign Affairs of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Sterling silver clock on wooden base with gold trim with the Royal insignia and seal flanked by two Ibex figures. Rec'd—April 8, 2009. Est. Value—$850.00. Location—Pending Transfer to General Services Administration.	His Excellency Shaykh Hamad bin Jasim bin Jabir Al Thani, Prime Minister of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Silver necklace and earring set of 23 Carnelain and 24 Turquoise stones in wooden presentation box with silver and gold thread needlepoint embroidery. Rec'd—October 14, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Excellency Mintimer Shaimiev, President of the Republic of Tatarstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Black ceramic bowl with cracked glass inset and uneven edges. Rec'd—November 1, 2009. Est. Value—$680.00. Disposition—Permission to Retain for Official Use Only.	His Excellency George Yeo Yong-Boon, Minister for Foreign Affairs of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Custom silver-tone three-piece brooch with faux diamond accents. Rec'd—November 1, 2009. Est. Value—$560.00. Location—Pending Transfer to General Services Administration.	His Excellency Lee Kuan Yew, Minister Mentor, Office of the Prime Minister of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Set of six Zulu telephone wire plate chargers; Book: "Wired: Contemporary Zulu Telephone Wire Baskets". Rec'd—September 1, 2009. Est. Value—$650.00. Disposition—Permission to Retain for Official Use Only.	Mr. Jacob Zuma, President of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Ceramic water pitcher with hand-painted floral design on body and lizard sculptures on pitcher handle and feet. Rec'd—March 19, 2009. Est. Value—$365.00. Location—Pending Transfer to General Services Administration.	Her Excellency Maite Nkoana-Mashabane, Minister of Foreign Affairs of the Republic of South Africa.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	2' hand-carved ebony wood log statue titled "Village Life". Rec'd—May 21, 2009. Est. Value—$650.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Jakaya Kikwete, President of the United Republic of Tanzania.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large framed painting by local students of a dove in flight with an olive branch. Rec'd—March 30, 2009. Est. Value—$850.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Jozias Van Artisan, Mayor of the Hague.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Small silk hand-woven carpet by Hereke Carpet Weaver's Association with seal of the Ecumenical Patriarch; Pamphlets and DVDs; Round silver mirror with floral design on back. Rec'd—November 5, 2009. Est. Value—$6,804.00. Location—Pending Transfer to General Services Administration.	His All Holiness Bartholomew, Archbishop of Constantinople, New Rome and Ecumenical Patriarch.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed painting of Ukrainian woman in traditional dress; Framed painting of village children in snow scene. Rec'd—November 9, 2009. Est. Value—$660.00. Location—Pending Transfer to General Services Administration.	His Excellency Petro Poroshenko, Minister of Foreign Affairs of Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Hermes silk scarf with horse design; Black leather "Louis Vuitton" bag. Rec'd—February 5, 2009. Est. Value—$750.00. Location—Pending Transfer to General Services Administration.	His Excellency Bernard Kouchner, Minister of Foreign Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Two-stranded tear drop pink pearl necklace with silver clasp. Rec'd—July 23, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	Her Excellency Dr. Dipu Moni, Minister of Foreign Affairs of the People's Republic of Bangladesh.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed painting of a Dodo bird with sequins and faux gemstones; Swarovski crystal blue flower bouquet with silver branches. Rec'd—September 1, 2009. Est. Value—$420.00. Location—Pending Transfer to General Services Administration.	The Government of Mauritius; government official who presented gift unknown.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large leather rug with three matching cushions; Book signed by the Minister. Rec'd—August 14, 2009. Est. Value—$895.00. Location—Pending Transfer to General Services Administration.	The Honorable Ojo Maduekwe, Minister of Foreign Affairs of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large neon green box with tassel with sterling silver and touquoise jewelry set; Traditional shawl with embroidery; Traditional white dress with embroidery. Rec'd—September 1, 2009. Est. Value—$1,085.00. Location—Pending Transfer to General Services Administration.	His Excellency Gurbanguly Berdimuhammedov, President of Turkmenistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large woven basket; Large handmade quilt with white/black stripes and personalized inscription. Rec'd—April 21, 2009. Est. Value—$1,035.00. Disposition—Permission to Retain for Official Use Only.	Her Excellency Ellen Johnson Sirleaf, President of the Republic of Liberia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Book: "A Mosaic: A Journey Through the Multi-Faceted World of Bahrain's Arts and Crafts", Silver box with mother of pearl inlay and pearl on lid. Rec'd—June 26, 2009. Est. Value—$505.00. Location—Pending Transfer to General Services Administration.	His Excellency Shaykh Khalifa bin Salman Al Khalifa, Prime Minister of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed copper art with hand-punched figures of two women. Rec'd—July 1, 2009. Est. Value—$385.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Adolphe Muzito, Prime Minister of the Democratic Republic of the Congo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Republic of El Salvador coin of 2500 colones. Rec'd—April 20, 2009. Est. Value—$450.00. Location—Pending Transfer to General Services Administration.	His Excellency Mauricio Funes, President-elect of the Republic of El Salvador.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed colorful abstract painting of cave imprints. Rec'd—May 5, 2009. Est. Value—$550.00. Location—Pending Transfer to General Services Administration.	His Excellency Marat Tazhin, Minister of Foreign Affairs of the Republic of Kazakhstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Painting of busy Haitian harbor; Sequined and beaded Haitian folk art of a heart and two flags. Rec'd—December 1, 2009. Est. Value—$435.00. Disposition—Permission to Retain for Official Use Only.	His Excellency René Preval, President of the Republic of Haiti and Mrs. Elisabeth D. Preval.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	25″ x 32″ wooden replica of the British warship Victory; Swarovski crystal "Object-Doroa, Fuschia Rain" blue and pink 4 petal flower on silver stem with leaf and stand. Rec'd—February 6, 2009. Est. Value—$525.00. Location—Pending Transfer to General Services Administration.	The Honorable Dr. Navinchandra Ramgoolam, Prime Minister of the Republic of Mauritius.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Pale blue vase with cracked crystaline design on body and yellow rim. Rec'd—April 27, 2009. Est. Value—$750.00. Disposition—Permission to Retain for Official Use Only.	His Excellency George Yeo Yong-Boon, Minister for Foreign Affairs of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Traditional vest of Kosovo embroidered with white gold and silver threads in blue velvet presentation box with inscription. Rec'd—February 26, 2009. Est. Value—$390.00. Location—Pending Transfer to General Services Administration.	His Excellency Fatmir Sejdiu, President of the Republic of Kosovo.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	22K gold round brooch with intricate rosette design and pearl accents. Rec'd—April 8, 2009. Est. Value—$450.00. Location—Pending Transfer to General Services Administration.	His Excellency Samuel Lewis Navaro, First Vice President and Minister of Foreign Affairs of the Republic of Panama.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Large Russian lacquer box with hand-painted scene in blue presentation box. Rec'd—March 6, 2009. Est. Value—$950.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Gold plated jewelry set including a pair of earrings and necklace with emerald, ruby, moonstone, amethyst, citrine, garnet and diamonds. Rec'd—October 29, 2009. Est. Value—$2,600.00. Location—Pending Transfer to General Services Administration.	His Excellency Mian Mohammad Nawaz Sharif, Former Prime Minister of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Framed portraiture painting of President William J. Clinton; Three brochures about the artist. Rec'd—October 31, 2009. Est. Value—$1,015.00. Location—Pending Transfer to General Services Administration.	Mr. Bashir Ahmed, Dean of Fine Arts, National College of Art of Lahore, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Clinton, Secretary of State of the United States.	4′ x 6′ carpet in black and beige with 10-point central rosette design in green velvet slipcase. Rec'd—November 13, 2009. Est. Value—$600.00. Location—Pending Transfer to General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Oval mother of pearl compact with diamond accent and 24K gold clasp with a gold tassel in a linen box. Rec'd—April 21, 2009. Est. Value—$950.00. Location—Pending Transfer to General Services Administration.	His Majesty and Her Majesty King Abdullah II bin Al Hussein and Rania Al-Abdullah, King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Pakistani rug with ivory floral design in green slipcover. Rec'd—May 26, 2009. Est. Value—$350.00. Location—Pending Transfer to General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Wooden music box by Dobin of Switzerland with floral detail and red velvet interior. Rec'd—July 31, 2009. Est. Value—$365.00. Location—Pending Transfer to General Services Administration.	Her Excellency Micheline Calmy-Rey, Chief of the Federal Department of Foreign Affairs of the Swiss Confederation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Under-glazed, hand-painted porcelain vase with floral design and Expo 2010 Shanghai logo in leather presentation case; Set of two commemorative Expo 2010 Shanghai tickets in colored glass holder and presentation cases. Rec'd—November 14, 2009. Est. Value—$4,736.00. Location—Pending Transfer to General Services Administration.	Mr. Yang Xiong, Executive Vice Mayor of the Shanghai Municipal Government.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Sterling silver purse pen by Hermes. Rec'd—March 2, 2009. Est. Value—$390.00. Location—Pending Transfer to General Services Administration.	His Excellency Bernard Kouchner, Minister of Foreign Affairs of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Hillary Clinton, Secretary of State of the United States.	Porcelain glazed vase with gingko leaves on a black lacquer base. Rec'd—February 21, 2009. Est. Value—$385.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, Under Secretary of State.	Miniature gold minaret statue with gilt brass covered pavilion on a wood base in leather presentation box. Rec'd—September 4, 2009. Est. Value—$560.00. Location—Pending Transfer to General Services Administration.	His Excellency Ahmed bin Abdallah Al-Mahmoud, Minister of State for Foreign Affairs of Doha, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James B. Steinberg, Deputy Secretary of State.	Large, wool Iraqi carpet with multicolor center and braided red and white border; Small, silk Iraqi carpet with center floral medallion and three framed borders. Rec'd—April 25, 2009. Est. Value—$1,260.00. Location—Pending Transfer to General Services Administration.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable William J. Burns, Under Secretary of State.	Set of two books "Turkmen Dastakham"; Small 20″ x 40″ handmade rug; Large 32″ x 47″ handmade rug. Rec'd—September 30, 2009. Est. Value—$345.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Gurbanguly Berdimuhammedov, President of Turkmenistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
George A. Krol, Deputy Assistant Secretary for South and Central Asian Affairs.	Women's Movado Museum watch. Rec'd—November 9, 2009. Est. Value—$450.00. Location—Pending Transfer to General Services Administration.	His Excellency Meret B. Orazov, The Ambassador of Turkmenistan to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alina Romanowski, Deputy Assistant Secretary.	Travel clock by Links with red and black face and white dots; Women's Movado Harmony stainless steel bracelet watch; Men's Movado Automatic watch. Rec'd—June 21, 2009. Est. Value—$997.00. Location—Pending Transfer to General Services Administration.	General Major Hamad Al-Attiyah, Chief of Staff, Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alina Romanowski, Deputy Assistant Secretary.	Men's Technomarine watch; Women's Technomarine watch; "Man" by Calvin Klien 3.4oz cologne; "Versace" by Versace 1.7oz cologne; Silk Tie by Pal Zileri; Men's Balenciaga wallet; Women's Ted Lapidus wallet. Rec'd—June 21, 2009. Est. Value—$1,680.00. Location—Pending Transfer to General Services Administration.	General Major Hamad Al-Attiyah, Chief of Staff, Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Johnnie Carson, Assistant Secretary of State for African Affairs.	Large, circular leather rug with traditional design and three matching seating cushions. Rec'd—August 11, 2009. Est. Value—$850.00. Location—Pending Transfer to General Services Administration.	The Honorable Ojo Maduekwe, Minister of Foreign Affairs of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Bill Taylor, U.S. Ambassador to Ukraine.	Limited-edition (#406 of 500) set of seven "black series" pens by Caran d'Ache. Rec'd—September 16, 2008. Est. Value—$5,700.00. Location—Pending Transfer to General Services Administration.	His Excellency Renat Akhmetov, Member of the Ukraine Rada House of Deputies, Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron, U.S. Ambassador to Qatar.	Two 1824 Haviland Serengeti impala limoge vases (one large, one medium). Rec'd—June 25, 2009. Est. Value—$920.00. Location—Pending Transfer to General Services Administration.	Bader Al-Darwish, Chairman, Qatar Chamber of Commerce, Member of the Royal Family, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Penny Price, Protocol Officer	Tissot brand watch with round silvertone face and Royal Insignia. Rec'd—April 29, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Laura Wills, Acting Chief of Protocol.	Framed oil painting of Korean landscape. Rec'd—June 17, 2009. Est. Value—$550.00. Location—Pending Transfer to General Services Administration.	Mrs. Choi Ah-Young, Spouse of the Ambassador of the Republic of Korea to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable William J. Burns, U.S. Ambassador to the Russian Federation.	Large saber with fluted steel blade engraved with scrollwork and enamel details on the handle in a red velvet presentation box. Rec'd—November 1, 2006. Est. Value—$585.00. Location—Pending Transfer to General Services Administration.	Mr. Gadzhi Makhachev, Duma Deputy Representing Daghestan and Deputy Chair of Parlimentary Committee.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Burns, U.S. Ambassador to the Russian Federation.	Gilt-metal pitcher inlaid with enamel with six matching goblets and serving tray. Rec'd—June 1, 2006. Est. Value—$550.00. Location—Pending Transfer to General Services Administration.	Mr. Gadzhi Makhachev, Duma Deputy Representing Daghestan and Deputy Chair of Parlimentary Committee.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron, U.S. Ambassador to Qatar.	Men's Rolex watch; Women's Chopard watch with diamond face. Rec'd—June 10, 2009. Est. Value—$15,500.00. Location—Pending Transfer to General Services Administration.	Shaykh Thani bin Abdullah Al Thani, Member of the Royal Family, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron, U.S. Ambassador to Qatar.	Mont Blanc Thomas Mann limited-edition pen; Mont Blanc cufflinks; Hermes Paris scarf; Mont Blanc Arturo Toscanini Special Edition Pen. Rec'd—December 1, 2009. Est. Value—$1,874.00. Location—Pending Transfer to General Services Administration.	His Excellency Ali Bin Fahad Al-Hajri, Ambassador of Qatar to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron, U.S. Ambassador to Qatar.	President brand suitcase; Men's Hamilton watch; Silk tie by Aigner; Silk tie by Cerruti 1881; Leather wallet by Cerruti 1881; "Esprit de Gingembre" cologne by Angel Schlesser; Bottle of "Jood" perfume; S.T. Dupont brand Passenger. Rec'd—February 1, 2009. Est. Value—$1,929.00. Location—Pending Transfer to General Services Administration.	General Major Hamad Al-Attiyah, Chief of Staff, Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joseph LeBaron, U.S. Ambassador to Qatar.	Tiffany & Co. Paloma Picasso cufflinks in sterling silver with carbon; Tateossian Blue Tempomatic watch; Chrome Cross ballpoint pen. Rec'd—March 9, 2009. Est. Value—$625.00. Location—Pending Transfer to General Services Administration.	Shaykh Fahad Bin Mohammad Bin Jabor Al Thani, Member of the Royal Family, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Deborah K. Jones, U.S. Ambassador to Kuwait.	Commemorative silver coin from central bank; Women's silver Omega brand watch in a red case. Rec'd—July 3, 2009. Est. Value—$630.00. Location—Pending Transfer to General Services Administration.	His Highness Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, Amir of the State of Kuwait.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Elinor LeBaron, Spouse of the U.S. Ambassador to Qatar.	President brand suitcase: Women's Ted Lapidus brand watch; "Night" perfume by Al Jazeera Perfumes; S.T. Dupond brand passenger; "Esprit de Gingembre" perfume by Angel Schlesser; Women's Mark Fischer Swiss watch. Rec'd—February 1, 2009. Est. Value—$2,415.00. Location—Pending Transfer to General Services Administration.	General Major Hamad Al-Attiyah, Chief of Staff, Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Penny Price, Protocol Officer	Green leather briefcase with set of jewelry including ruby and diamond bracelet, earrings and ring, men's and women's silver Longines watches, Tiffany & Co. sterling silver cufflinks and Dior silver pen. Rec'd—June 3, 2009. Est. Value—$5,650.00. Location—Pending Transfer to General Services Administration.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Capricia Penavic Marshall, Chief of Protocol.	Sterling silver tray engraved with a Cedar of Lebanon in a leather presentation box. Rec'd—December 1, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Excellency Michel Sleiman, President of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Thorne, U.S. Ambassador to Italy.	Large marble flag sculpture of the American Flag by Italian Artist, Luciano Massari. Rec'd—September 11, 2009. Est. Value—$5,000.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Angelo Zubbani, Mayor of the City of Carrara.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Cheryl Mills, Chief of Staff and Counselor.	Large, circular leather rug with traditional design and three matching seating cushions. Rec'd—August 11, 2009. Est. Value—$850.00. Location—Pending Transfer to General Services Administration.	The Honorable Ojo Maduekwe, Minister of Foreign Affairs of the Federal Republic of Nigeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Joseph Fishbein, Director for Regional Affairs, Office of the Coordinator for Counterterrorism.	Men's Cerruti "1881" wristwatch. Rec'd—July 1, 2009. Est. Value—$780.00. Location—Pending Transfer to General Services Administration.	Major General Mazen al Qadi, Director of Public Security, Jordanian Public Security Directorate, Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ande Metzger, Blair House Staff ...	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alfonso Diaz, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Jose Fuster, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Sean Irby, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Rundell, Deputy Chief of Mission, U.S. Embassy Riyadh, Saudi Arabia.	18K white gold bracelet and matching earring set with citrine and diamond stones. Rec'd—June 4, 2009. Est. Value—$1,200.00. Location—Recipient Wishes to Purchase.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gladys Boluda, Acting Chief of Protocol.	Longines brand watch with rectangular face with Royal insignia and polished silver tone band. Rec'd—April 29, 2009. Est. Value—$1,075.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard LeBaron, U.S. Ambassador to Kuwait, and Mrs. Lebaron.	Men's Corum brand watch; Women's Corum brand watch. Rec'd—July 1, 2007. Est. Value—$5,400.00. Location—Pending Transfer to General Services Administration.	The Government of the State of Kuwait; government official who presented gift unknown.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Paul Hegarty, Assistant Chief of Protocol.	Raymond Weil brand watch silvertone face with Royal Insignia and Roman numerals. Rec'd—April 29, 2009. Est. Value—$895.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Connolly Keigher, Protocol Officer	Raymond Weil brand watch silvertone face with Royal Insignia and Roman numerals. Rec'd—April 29, 2009. Est. Value—$895.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Joan Polaschik, Deputy Chief of Mission, U.S. Embassy Tripoli, Libya.	21K gold ring with a green stone. Rec'd—December 11, 2009. Est. Value—$980.00. Location—Recipient Wishes to Purchase.	Colonel Muammar Abu Minyar al-Qadhafi, Leader of the Revolution of the Great Socialist People's Libyan Arab Jamahiriya.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David H. Rundell, Deputy Chief of Mission, US Embassy Riyadh, Saudi Arabia.	Men's Jazzmaster Tonneau 2824 watch by Hamilton. Rec'd—June 3, 2009. Est. Value—$479.00. Location—Pending Transfer to General Services Administration.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard C. Holbrooke, Special Representative for Afghanistan and Pakistan.	Leather briefcase with brushed metal locks. Rec'd—May 1, 2009. Est. Value—$350.00. Location—Pending Transfer to General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gladys Boluda, Acting Chief of Protocol.	Leather briefcase in deep burgandy leather with brushed gold locks. Rec'd—May 1, 2009. Est. Value—$420.00. Location—Pending Transfer to General Services Administration.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable George J. Mitchell, Special Envoy for Middle East Peace.	Crystal Equinox clock by Baccarat. Rec'd—July 4, 2009. Est. Value—$440.00. Disposition—Permission to Retain for Official Use Only.	His Excellency Elias Murr, Minister of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Jemma Renni, Blair House Staff ...	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Maria Sisk, Desk Officer for Qatar	Swarovski crystal gold chain with daphne pendant and matching earrings; Bottle of "Le Baisel Du Dragon" perfume; Bottle of "Black Orchid" perfume by Tom Ford. Rec'd—September 22, 2008. Est. Value—$360.00. Location—Pending Transfer to General Services Administration.	His Excellency Ali Bin Fahad Al-Hajri, Ambassador of the State of Qatar to the United States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ali Rubin, Special Assistant to the Chief of Protocol.	Raymond Weil brand watch silvertone face with Royal Insignia and Roman numerals. Rec'd—April 29, 2009. Est. Value—$895.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ellen Germaine, Deputy Political Counselor, U.S. Mission to the United Nations, New York.	Women's Swiss watch by Vander Bauwede; Silk scarf by A.C. Canova; Stainless Steel Bracelet. Rec'd—October 5, 2009. Est. Value—$1,100.00. Location—Pending Transfer to General Services Administration.	His Excellency Yaqoub Al-Sanad, Councilor, Kuwaiti Mission to the United Nations.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Cecilia Elizondo Herrera, United States Consul General, Matamoros, Mexico.	Small Louis Vuitton monogram canvass Montorgueil handbag. Rec'd—June 24, 2009. Est. Value—$800.00. Location—Pending Transfer to General Services Administration.	His Excellency Eugene Hernandez, Governor of Tamaulipas, United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Timothy Dumas, Special Agent—Diplomatic Security.	Men's Black Louis Erand Watch. Rec'd—July 27, 2009. Est. Value—$495.00. Location—Recipient Wishes to Purchase.	His Excellency Khalid Al-Jalahma, Deputy Chief of Mission, Embassy of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Natalie Jones, Assistant Chief of Protocol.	Tissot brand watch with round silvetone face and Royal Insignia. Rec'd—April 29, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Kimberly Townsend, Protocol Officer.	Tissot brand watch with round silvetone face and Royal Insignia. Rec'd—April 29, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Gamal Helal, Senior Diplomatic Interpreter.	Green leather briefcase with set of jewelry including ruby and diamond bracelet, earrings and ring, men's and women's watches with diamond face, Tiffany & Co. sterling silver cufflinks and sterling silver pen. Rec'd—June 3, 2009. Est. Value—$23,400.00. Location—Pending Transfer to General Services Administration.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Yael Belkind, Assistant Manager of Blair House.	Tissot brand watch with round silvetone face and Royal Insignia. Rec'd—April 29, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Weozelange Xirocostas, Blair House Staff.	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Rodric Waters, Blair House Staff ...	Tissot brand watch with round silvetone face and Royal Insignia. Rec'd—April 29, 2009. Est. Value—$425.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Dario Santos, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Randy Bumgardner, Assistant Chief of Protocol and Blair House Manager.	Raymond Weil brand watch silvertone face with Royal insignia and Roman numerals. Rec'd—April 24, 2009. Est. Value—$895.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Terezinha Dias, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Tanveer Iqbal, Blair House Staff ...	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Richard W. Erdman, Charge d'Affaires, U.S. Embassy Riyadh, Saudi Arabia.	Green leather briefcase with set of jewelry including topaz and diamond bracelet, earrings and ring, Men's and Women's Eloga Tzar "1928" watch with diamond face and, Tiffany and Co. sterling silver cufflinks and sterling silver pen. Rec'd—June 3, 2009. Est. Value—$12,000.00. Location—Pending Transfer to General Services Administration.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Ian Knox, Blair House Staff	Cover brand watch with round black face with Royal insignia. Rec'd—April 29, 2009. Est. Value—$385.00. Location—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
William Taylor, Director, Iraq Reconstruction Management Officer, U.S. Embassy Baghdad, Iraq.	Non-operational Soviet-era chrome pistol in a wooden presentation box. Rec'd—August 1, 2004. Est. Value—$500.00. Location—Pending Transfer to General Services Administration.	His Excellency Petro Poroshenko, Secretary of the National Security and Defence Council, Ukraine.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Edwin Brown, Deputy Political Councilor, U.S. Embassy Riyadh, Saudi Arabia.	Men's "Hydro Conquest" watch by Longines. Rec'd—June 3, 2009. Est. Value—$650.00. Location—Pending Transfer to General Services Administration.	Abdullah Ibn Abdul Aziz Al Saud, Custodian of the Two Holy Mosques King of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mark C. Minton, U.S. Ambassador to Mongolia.	Desk-top silver medallion of mascots for the 2008 Bejing Olympic Games. Rec'd—October 6, 2009. Est. Value—$700.00. Location—Pending Transfer to General Services Administration.	Government of The People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: ADMINISTRATIVE OFFICES OF THE UNITED STATES COURT

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable John G. Roberts, Jr., Chief Justice.	Churima-Ching gold crown reproduction. Rec'd—5/13/2009. Est. Value—$1,200.00. Disposition—United States Supreme Court, Office of the Curator.	President Kang-Kook Lee, Constitutional Court of Korea, Democratic People's Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: APPALACHIAN REGIONAL COMMISSION

[Report of Travel]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
P. Adam Harbison, Truman-Albright Fellow.	Travel to United Arab Emirates as part of Truman Fellow program. Rec'd—04/18–30/09. Est. Value—$4,658.14.	Emirates Foundation	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Men's Cartier Wristwatch with stainless steel bracelet and 18k gold bezel. Rec'd—06/26/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Breitling watch. Rec'd—12/03/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Breitling watch. Rec'd—12/03/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Gentleman's 18k yellow gold "Tank" Cartier wristwatch with black reptile band and yellow gold buckle. Rec'd—03/20/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's 18k yellow gold "tank" Cartier wristwatch with black reptile band and yellow gold buckle. Rec'd—03/20/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's stainless steel "tank" manuel wind Cartier wristwatch with a black reptile wristband. Rec'd—03/20/2009. Est. Value—$1,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's 18k yellow gold "tank" Cartier wristwatch with black reptile band and yellow gold buckle. Rec'd—03/20/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Silver palm tree in a glass display case. Rec'd—04/24/2009. Est. Value—$500.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Silk rug, 4′11″ x 3′2″, light green ground with rose and blue details. Rec'd—04/24/2009. Est. Value—$500.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Silver coffee pot. Rec'd—05/19/2009. Est. Value—$750.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Eight piece coin set in a fitted case together with a yellow gold pointer. Rec'd—05/27/2009. Est. Value—$1,000.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Lady's horseshoe shaped pierced earrings with diamonds and one emerald in each. Rec'd—11/15/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Lady's horseshoe shaped ring with diamonds and one emerald. Rec'd—11/15/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Leon E. Panetta, Director of the Central Intelligence Agency.	Ladies 7″ bracelet with diamonds and three emeralds. Rec'd—11/15/2009. Est. Value—$3,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Sterling filigree bracelet with gold inlay. Rec'd—03/14/2006. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	White gold necklace with diamonds and an emerald pendant. Rec'd—03/14/2006. Est. Value—$3,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Set of Callaway golf clubs and black leather golf bag. Rec'd—05/19/2008. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Yellow gold and rose-cut diamond filigree bangle bracelet. Rec'd—08/13/2008. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's yellow gold and stainless steel Cartier watch with black reptile wristband. Rec'd—03/20/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Group of 10 gold trade coins. Rec'd—03/20/2009. Est. Value—$5,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's stainless steel "tank" manuel wind Cartier wristwatch with a black reptile wristband. Rec'd—03/20/2009. Est. Value—$1,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's 18k yellow gold "tank" Cartier wristwatch with black reptile band and yellow gold buckle. Rec'd—03/20/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Group of 10 gold trade coins. Rec'd—03/20/2009. Est. Value—$5,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
An Agency Employee	Gentleman's 18k yellow gold "tank" Cartier wristwatch with black reptile band and yellow gold buckle. Rec'd—03/20/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's Mont Blanc stainless steel wristwatch. Rec'd—06/25/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Set of ladies Mizuno golf clubs in a pink and white leather bag. Rec'd—01/01/2008. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	AKS–74 rifle. Rec'd—12/30/2001. Est. Value—$600.00. Location—On official display at the Agency.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Gentleman's stainless steel "Tank" manuel wind Cartier wristwatch with a black reptile wristband. Rec'd—03/20/2009. Est. Value—$1,000.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	9′ x 6′ silk rug in ivory with rose details. Rec'd—11/29/2008. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.
An Agency Employee	Ladies Bvlgari brand watch. Rec'd—11/15/2009. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	5 U.S.C. 7342(f)(4)	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEFENSE INTELLIGENCE AGENCY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General Ronald Burgess.	Longines brand watch, wallet, pen, and cuff links set in lacquer box. Rec'd—3/30/09. Est. Value—$2,800.00. Disposition—Pending Transfer to General Services Administration.	General Major Hamad Al-Attiyah, Chief of Staff, Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF AGRICULTURE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Thomas Vilsack, Secretary of Agriculture of the United States.	Imperial Vodka collection: A bar in the shape of a Faberge egg with openings to hold 4 cups and a carafe of vodka. Rec'd—4/18/2009. Est. Value—$1,000.00. Disposition—Pending Transfer to General Services Administration.	The Honorable Elena Skrynnik, Minister of Agriculture of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Thomas Vilsack, Secretary of Agriculture of the United States.	9.75" x 11" Red porcelain vase, with stand made by Millenniums of Cause (Qianqui Daye). Rec'd—10/29/2009. Est. Value—$644.00. Disposition—Pending Transfer to General Services Administration.	The Honorable Lu Zu Shan, Governor of Zhejiang Province, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable James W. Miller, Under Secretary for Farm and Foreign Agriculture Services.	8.5" by 7.5" Porcelain Lipizzaner white stallion titled "Levade Without Rider" made by Augarten. Rec'd—5/13/2009. Est. Value—$1,325.00. Location—Retained in Under Secretary's office as an official gift.	The Honorable Nikolas Berkovich, Federal Minister of Agriculture, Forestry, Environment and Water Management of the Republic of Austria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Alfred V. Almanza, Food Safety and Inspection Service Administrator.	Hard cover book in a dust jacket entitled "The Gastronomic World of Don Quixote" published 2005 by the Spanish Ministry of Agriculture. Rec'd—6/8/2009. Est. Value—$500.00. Location—Retained in Administrator's office as an official gift.	The Honorable Joesp Puxeu Rocamora, Secretary of State for Rural and Water Affairs, Ministry of the Environment and Rural Marine Affairs of the Kingdom of Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF COMMERCE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Gary F. Locke, Secretary of Commerce of the United States.	Framed picture of a Bedouin necklace. Rec'd—4/29/2009. Est. Value—$500.00. Disposition—Retained for Official Use.	His Excellency Abdullah bin Ahmed bin Yosef Zainal Alireza, Ministry of Commerce and Industry of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Gary F. Locke, Secretary of Commerce of the United States.	Chinese landscaping painting scroll. Rec'd—12/14/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hu Jintao, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Dr. James Clad, Deputy Assistant Secretary of Defense (Policy) of the United States.	Two multi-colored carpets with blue border. Rec'd—1/12/2009. Est. Value—$700.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Vice Admiral Wasantha Karannagoda, Sri Lankan Navy of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Gary Roughead, Chief of Naval Operations of the United States.	Metallic dagger with leather backing, leather belt and bone handle. Rec'd—11/9/2008. Est. Value—$525.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Vice Admiral Prince Fahd Bin Abdullah Bin Mohammed Bin Al Saud, Commander of the Royal Saudi Naval Forces of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Gary Roughead, Chief of Naval Operations of the United States.	Gold plated knife encased in glass. Rec'd—4/13/2008. Est. Value—$545.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Vice Admiral Prince Fahd Bin Abdullah Bin Mohammed Bin Al Saud, Commander of the Royal Saudi Naval Forces of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric S. Edelman, Under Secretary of Defense (Policy) of the United States.	Cartier Roller Diabolo De Cartier Composite Noir Pen. Rec'd—1/15/2009. Est. Value—$485.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Yousef Al Otaiba, Ambassador of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Sedney, Deputy Assistant Secretary of Defense (Policy) of the United States.	Mont Blanc pen in black leather case. Rec'd—1/15/2009. Est. Value—$345.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Jason Yuan, Taiwan Representative to the United States, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Mary Beth Long, Assistant Secretary of Defense (Policy) of the United States.	Gold bracelet with blue stone scarabs in a purple velvet bracelet box. Rec'd—1/15/2009. Est. Value—$565.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Dr. James Clad, Deputy Assistant Secretary of Defense (Policy) of the United States.	Round silver repousee tray brown wooden box. Rec'd—1/12/2009. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Gardihewa Sarath Chandralal Fonseka, Sri Lankan Army of the Democratic Socialist Republic of Sri Lanka.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael G. Vickers, Assistant Secretary of Defense (SO/LIC&IC) of the United States.	Black coin plaque. Rec'd—1/15/2009. Est. Value—$390.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Raul Santos Galvan Villanueva, Mexican Navy of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James E. Cartwright, Vice Chairman of the Joint Chiefs of Staff of the United States.	Cartier pen with box. Rec'd—3/4/2009. Est. Value—$345.00. Disposition—Pending Transfer to General Services Administration.	Embassy Representative of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable David Sedney, Deputy Assistant Secretary of Defense (Policy) of the United States.	Oriental rug. Rec'd—2/16/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gul Agha Sherzai, Governor of Nangarhar Province of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Rug. Rec'd—3/11/2009. Est. Value—$350.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Ahsan Saleem Hyat, Chief of Army Staff of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Fold-up desk plaque. Rec'd—3/5/2009. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	Chairman of Defense of the Republic of Peru.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Bottle of tequila and laminate plaque. Rec'd—3/6/2009. Est. Value—$435.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Raul Santos Galvan Villanueva, Mexican Navy of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Glass sword in shadow box. Rec'd—3/5/2009. Est. Value—$485.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Freddy Padilla de Leon, Commander of the Colombian Armed Forces of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Name plate. Rec'd—6/5/2009. Est. Value—$560.00. Disposition—Pending Transfer to General Services Administration.	Government Official of the Korean Naval Group of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Silverware set and cloth robe. Rec'd—2/26/2009. Est. Value—$780.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Jean T. Kahwagi, Chairman of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Nancy Dowling, Senior Procurement Analyst (Acquisition, Technology & Logistics) of the United States.	Pen set and engraved wooden case. Rec'd—6/15/2009. Est. Value—$360.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Brigadier General Spyridon Katsaros, General Secretariat of Financial Planning of the Hellenic Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Wool/trival coat. Rec'd—3/9/2009. Est. Value—$340.00. Disposition—Pending Transfer to General Services Administration.	Afghanistan Governmental Official, of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Turquoise cross pendant with gold chain. Rec'd—4/21/2009. Est. Value—$425.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Rifle. Rec'd—04/21/2009. Est. Value—$900.00. Disposition—Pending Transfer to General Services Administration.	Their Majesties The King and Queen of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Wooden plaque and gold plated pocket watch. Rec'd—06/03/2009. Est. Value—$665.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Iiker Basbug, Commander Turkish Armed Forces of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James E. Cartwright, Vice Chairman of the Joint Chiefs of Staff of the United States.	Book "Los Rostros de la Marine"; Hermes tie; 5 oz silver coin. Rec'd—4/3/2009. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Raul Santos Galvan Villanueva, Mexican Navy of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James N. Mattis, Supreme Allied Commander Transformation and Commander U.S. Joint Forces Command of the United States.	Silver men's automatic water resistant wrist watch, stainless steel with sapphire crystal by Maurice LaCroix of Switzerland. Rec'd—01/18/2009. Est. Value—$2,100.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Major General Hadad Al-Attiyah, Chief of Defense of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Silver business card holder; Book: Mannerheim with CD; Glass duck; Ultima thule, Arctic explorations. Rec'd—03/12/2009. Est. Value—$470.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Juhani Kaskeala, Chief of Defense of the Republic of Finland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Silver vase. Rec'd—04/21/2009. Est. Value—$450.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Tribal rug. Rec'd—04/24/2009. Est. Value—$425.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Del Bar Jan Arman, Governor of Zabul Province of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Set of highball glasses with silver rim and Yeditepe vase. Rec'd—06/02/2009. Est. Value—$725.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Iiker Basbug, Commander Turkish Armed Forces of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Dr. Ashton B. Carter, Under Secretary of Defense (Acquisition, Technology and Logistics) of the United States.	Brazilian rocks; decorative part in pink quartz, green quartz, onyx and natural amethyst. Rec'd—05/20/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Nelson Jobin, Minister of Defense of the Federative Republic of Brazil.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Madeline LePage, Special Assistant to the Under Secretary of Defense (Policy) of the United States.	Decorative jewelry box; Dress with floral design; Green pants of a silk material; Shawl with gold tone fringes. Rec'd—04/07/2009. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gul Agha Sherzai, Governor of Nangarhar Province of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michele A. Flournoy, Under Secretary of Defense (Policy) of the United States.	Ancient glass vessels. Rec'd—5/19/2009. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Pinchas Buchris, Director General, Ministry of Defense of the State of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michele A. Flournoy, Under Secretary of Defense (Policy) of the United States.	Blue lapis box and vase. Rec'd—4/7/2009. Est. Value—$350.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abdul R. Wardak, General, Ministry of Defense of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Colin Kahl, Deputy Assistant Secretary of Defense of the United States.	Dagger. Rec'd—4/29/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Dr. Sheikh Mohammed bin Abdulla al-Khalifa, & General Khalifa bin Ahmed al-Khalifa, of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Small crystal "Cheval Pendullete Jumping" Baccarat clock . Rec'd—4/08/2009. Est. Value—$385.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Elias Murr, Minister of Defense of the Republic of Lebanon.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Shotgun (serial number 4174) and 5 bullets; Egyptian Armed Forces plaque; Hanging Egyptian rug art; Silver picture frame with picture; Gold photo album with pictures. Rec'd—5/4/2009. Est. Value—$985.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Field Marshal Mohamed Hussein Tantawi Soliman, Minister of Defense of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Silver display plate; Wooden trunk; Picture of Gilberto C. Teodoro Jr. and Secretary Robert M. Gates; Cigars in wood carved box with the Secretary of Defense's name. Rec'd—5/30/2009. Est. Value—$1,425.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gilberto C. Teodoro Jr., Secretary of National Defense of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Gold country plaque with display case. Rec'd—5/05/2009. Est. Value—$485.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abdullah bin Abdul Aziz Al Saud, Prime Minister of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Silver vase; Gold and china display plate. Rec'd—6/03/2009. Est. Value—$605.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Mehmet Vecdi Gönül, Minister of Defense of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Wooden plaque—Shangri-La Dialogue; Wooden and golden plaque. Rec'd—5/27/2009. Est. Value—$405.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Phung Quang Thanh, Minister of Defense of the Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Leather photo album from the Philippines. Rec'd—7/17/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Gilberto C. Teodoro Jr., Secretary of National Defense of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Gold necklace. Rec'd—6/22/2009. Est. Value—$516.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Mother of Pearl dish set; Mother of pearl purse; Mother of pearl rosary beads; Hand crafted hand fan; Book "A First Look at Philippine Flowers;" Book "100 Events That Shaped The Philippines;" Book "A Pictorial Cyclopedia Of Philippine Ornamental Plants." Rec'd—6/01/2009. Est. Value—$361.00. Disposition—Pending Transfer to General Services Administration.	Her Excellency Monica Prieto-Teodoro, Representative of the First District of Tarlac Province of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Silver plated vase; Gold plated Egyptian necklace. Rec'd—6/19/2009. Est. Value—$630.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Silver wine vase. Rec'd—6/22/2009. Est. Value—$750.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Samy Enan, Chief of Staff Egyptian Armed Forces of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Williams and Son silver clock with leather casing. Rec'd—6/24/2009. Est. Value—$675.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Prince Salman Bin Hamad Bin Isa Al-Khalifa, Prince and Deputy Supreme Commander of the Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Award—Republica De Colombia Orden De San Carlos Grado, Gran Cruz and Certificate Certification for Colombian Award. Rec'd—11/10/2008. Est. Value—$645.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Alvaro Uribe Velez, President of the Republic of Colombia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Gold display. Rec'd—7/23/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Nouri al-Maliki, Prime Minister of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Crystal wine decanter, small glasses, and platter; Small silver candy dish. Rec'd—6/26/2009. Est. Value—$350.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Nikolai Makarov, Chief of the General Staff of the Armed Forces of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Medium tribal rug. Rec'd—7/15/2009. Est. Value—$450.00. Disposition—Pending Transfer to General Services Administration.	Afghanistan Village Elders, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Large Commander's sword. Rec'd—6/28/2009. Est. Value—$440.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Franciszek Gagor, Chief of General Staff Poland Armed Forces of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Plaque, clear crystal octagon faced with tag "Indian Army" flanked by two enameled flags over silver tone status of lions over crossed swords over row of 4 five-pointed stars, set into flaring base with affixed presentation tag from Kapoor; Photo frame, silver plate, arched top engraved "Indian Army" over 3 lions over crossed swords over row of 5 stars over aperture with beaded surround over engraved presentation name of Kapoor; Scarf, cashmere, light green, in quilted bag with flower-shaped clasp of orangegoldtone plastic; Book, Hardcover, "Blood and Guts, The Saga of Indian Arms"; Set of 4 CDs titled "Martial Music & Indian Army". Rec'd—7/21/2009. Est. Value—$366.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Deepak Kapoor, Chief of Army Staff of the Republic of India.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Military dagger with sheath in wooden presentation box; Sterling silver note pad with Royal Insignia. Rec'd—7/27/2009. Est. Value—$445.00. Disposition—Pending Transfer to General Services Administration.	His Majesty King Abdullah II bin Al Hussein, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Bottle of Gran Centenario tequila; Replica of sabre used by General Jose Maria Morelos during the Siege of Cuatla in 1812; Black lacquer country plaque. Rec'd—7/30/2009. Est. Value—$460.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Guillermo Galvan, Secretary of National Defense of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Ambassador Alexander Vershbow, Assistant Secretary of Defense (Policy) of the United States.	Bottle of Givenchy "ange ou etrange" eau de parfum, 3.3 fl oz.; Bottle of Givenchy "Very Irresistible Summer Cocktail" eau de toilette, 3.3 fl oz.; Black leatherette wallet by Givenchy; Wristwatch, men, Yonger & Bresson "Arabesque" having white Arabic numerals on dark brown round face with date window above 6 o'clock position, copper tone case, brown leather strap; Women's Jewelry Set in white gold with diamonds; ring having crescent of 7 baguette diamonds over two "J" forms of round diamonds flanked by "V" forms of round diamonds, 5.5 grams; pendant of ribbon loops and ellipsoids of baguette-shape and round diamonds with 3 loops at top and crescent in center, stamped 18K, 17.2 grams; white gold 17" neck chain stamped "750" (indicating 18K), 3.6 grams, pair of earrings with post and clip, stamped 18K, each consisting of 2 "J" forms of round diamonds topped by crescent of baguette diamonds, beneath 2 horseshoe-shaped looks, 3 ellipsoids and a disk of diamonds, 15.2 grams/pair. Rec'd—7/21/2009. Est. Value—$7,856.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Major General Hamad Bin Ali al-Attiyah, Chief of Staff of the Qatar Armed Forces of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	The Chu-nyeo Ma-ru desktop set. Rec'd—9/2/2009. Est. Value—$450.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lee Myung-bak, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Celeste A. Wallander, Deputy Assistant Secretary of Defense (Policy) of the United States.	Desk clock. Rec'd—8/4/2009. Est. Value—$380.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hideo Suzuki, Minister Political Section, Embassy of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michele A. Flournoy, Under Secretary of Defense (Policy) of the United States.	Photo album, machine cardboard sleeve, blue fabric-clad cover with gold tone star over "With the Compliments of the People's Liberation Army of China," containing 27 polychrome photos of Americans and Chinese; Scroll, ink and color, depicting mountains/gorges with autumnal foliate, including waterfall and village. Rec'd—6/24/2009. Est. Value—$1,035.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Ma Xiaotian, Deputy Chief of the General Staff of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable James N. Miller, Principal Deputy Under Secretary of Defense (Policy) of the United States.	Pyramid, clear crystal by Val Saint Lambert, indented band, incised "Kingdom of Belgium" over roundel of crown over standing lion within band of 5-pointed stars. Rec'd—7/15/2009. Est. Value—$385.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Pieter De Cram, Minister of Defense of the Kingdom of Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Bottle of Tequila Aero "Reserve del Tequilero Gran Centenario"; Plaque, shield form painted black, fronted by four 5-pointed silver stars over gold tone bird with snake in its beak over cactus; Tray, rectangular, hand painted bands of floral design on blue background, canted sides; Box, cuprous-color metal, round domed lid, 7-petal rosettes and foliate scrolls; Scarf, silk, printed dots/stripes/diamonds in pink/purple/orange; Saber, miniature, 14", leatherette scabbard with brass mounts. Rec'd—7/9/2009. Est. Value—$810.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Guillermo Galvan, Secretary of National Defense of the United Mexican States.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Statue of mariner standing over coiled rope at ship's wheel, silver tone cast resin; Bottle of Pinot Noir red wine, harvest of 1946 "Statiunea de Cervetari/Viticole Murfatlar"; Composition material with 2 silver quarter-round bands with repousse ship's wheels w/2 bottle stoppers of polished metal cone with wood knob ends, silver tone ring drip stop collar and corkscrew with rosewood-type wood panels; Book, Hardcover, "Romania". Rec'd—8/6/2009. Est. Value—$720.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Gheorghi Marin, Chief of General Staff, Romania.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Dr. Diane T. Putney, Acting Director Office of the Secretary of Defense Historical Office of the United States.	Picture—Pavilion beside a lake surrounded by flowering trees made of colored crushed stone; Book, Hardcover, English-Vietnamese Military Dictionary; Book, Paperback, "The Tet Mau Than 1968 Event in South Vietnam"; Book, Paperback, "Memoirs of War: The Tran-Troung Son Route"; Plate, Copper, Hollow, entrance gate to a walled city in Hanoi, w/brass plate stand; Plate, Copper, Hollow, pavilion raised on posts in Hanoi w/brass plate stand; Necktie, silk w/red bands and alternating w/black ellipsoids on gray bands; Necktie, silk w/pink/blue/black diagonal bands plus diagonal red line; Necktie, silk, w/elongated octagonal medallions containing ovoids w/scalloped edge on red background. Rec'd—8/31/2009. Est. Value—$560.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Colonel Ma Pham Ba Toan, Director/Editor-in-Chief of the People's Army Publishing House, Socialist Republic of Vietnam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael Schiffer, Deputy Assistant Secretary of Defense (Policy) of the United States.	Glass bookends by Tittot, surmounted by a green 3-toed dragon. Rec'd—7/30/2009. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lee Hai-tug, Deputy Secretary General of Taiwan National Security Council, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Plaque, clear frosted crystal rectangle with UAE Armed Forces roundel over "UAE Traditional Boat" with five depictions of boats; Knife ("Jambiya"), with curved steel blade secured in waisted wood handle with applied silver and gilt metal decoration. Rec'd—10/8/2009. Est. Value—$965.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Thani Al-Romaithi, Chief of Armed Forces Staff of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Haft hand-carved tiki axe with green blade secured by black cord to carved wood handle with inset mother-of-pearl eyes and scrollwork. Rec'd—10/13/2009. Est. Value—$480.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Lieutenant General Jerry Mateparae, Chief of Defence Force of New Zealand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States and Spouse.	Givenchy ladies watch; six boxes of assorted perfume; silk scarf; ladies top. Rec'd—10/8/2009. Est. Value—$1,350.00. Disposition—Pending Transfer to General Services Administration.	Her Excellency Mrs. Humad Mohamed Thani Al-Ramaithi, Spouse, Chief of Staff, United Arab Emirates Armed Forces of the United Arab Emirates.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Chinese chop in a wooden display box; Chinese country plaque with white glove; Picture of likeness of Secretary of Defense Robert Gates. Rec'd—10/27/2009. Est. Value—$755.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Xu Caihou, Vice Chairman of the Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William Wechsler, Deputy Assistant Secretary of Defense (Policy) of the United States.	Carpet. Rec'd—10/5/2009. Est. Value—$400.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Abdul Rahim Wardak, Minister of Defense of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William Wechsler, Deputy Assistant Secretary of Defense (Policy) of the United States.	Carpet. Rec'd—10/5/2009. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Khadaidad, Minister of Counter-narcotics of the Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michele A. Flournoy, Under Secretary of Defense (Policy) of the United States.	Layan Al Khalediah (2006) Arabian horse statue. Rec'd—11/17/2009. Est. Value—$460.00. Disposition—Pending Transfer to General Services Administration.	His Royal Highness Khalid bin Sultan of the Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Box of Toliq Halwachy Mana natural sweets; Carpet with image and writing in reference to the "Fort of Irbil" or "Irbil Fort," the capital of the Kurdish Region. Rec'd—10/7/2009. Est. Value—$395.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Jalal Talabani, President of the Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Admiral Michael G. Mullen USN, Chairman of the Joint Chiefs of Staff of the United States.	Small plaque; figurine gift set; ladies clutch (purse). Rec'd—10/30/2009. Est. Value—$415.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Admiral Songkitti Jaggabatara, Chief of Defence Forces, Royal Thai Armed Forces of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Cynthia Carras, Country Director for China of the United States.	Pearl necklace. Rec'd—10/30/2009. Est. Value—$650.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Xu Caihou, Vice Chairman of the Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Robert M. Gates, Secretary of Defense of the United States.	Ceramic model of the Reichstag German Parliament building. Rec'd—11/19/2009. Est. Value—$425.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Karl-Theodor zu Guttenberg, Minister of Defense of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable General James E. Cartwright, Vice Chairman of the Joint Chiefs of Staff of the United States.	Tittot glass. Rec'd—10/29/2009. Est. Value—$365.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Wu Dar-Pong, Vice Chief of General Staff, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable William J. Lynn III, Deputy Secretary of Defense of the United States.	Chinese art painting on scroll. Rec'd—10/27/2009. Est. Value—$580.00. Disposition—Pending Transfer to General Services Administration.	His Excellency General Xu Caihou, Vice Chairman of the Central Military Commission of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF JUSTICE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Eric H. Holder, Jr., Attorney General of the United States.	Ceremonial sword with case. Rec'd—8/26/09. Est. Value—$350.00. Disposition—Pending Transfer to the General Services Administration, DOJ/JMD/FASS.	The Honorable Dr. Ali Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric H. Holder, Jr., Attorney General of the United States.	Men's Rolex watch. Rec'd—11/08/09. Est. Value—$10,008.00. Disposition—Pending Transfer to the General Services Administration, DOJ/JMD/FASS.	The Honorable Dr. Ali Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric H. Holder, Jr., Attorney General of the United States.	Women's Rolex watch. Rec'd—11/08/09. Est. Value—$10,023.00. Disposition—Pending Transfer to the General Services Administration, DOJ/JMD/FASS.	The Honorable Dr. Ali Bin Fetais Al-Marri, Attorney General of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Eric H. Holder, Jr., Attorney General of the United States.	Large box with Russian coins/medallions (14). Rec'd—11/03/09. Est. Value—$500.00. Disposition—Pending Transfer to the General Services Administration, DOJ/JMD/FASS.	The Honorable Aleksander V. Konovalov, Minister of Justice of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lt Gen Gary L. North, 9 AF/CC, USAF Central Command Air Forces, Shaw AFB, SC.	18K gold 16″ chain adorned with a diamond, ruby & pearl pendant. Rec'd—3/16/2008. Est. Value—$1,890.00. Disposition—Pending Transfer to General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lt Gen Gary L. North, 9 AF/CC, USAF Central Command Air Forces, Shaw AFB, SC.	The Black Predator Titanium watch, black titanium. Rec'd—5/1/2008. Est. Value—$550.00. Disposition—Pending Transfer to General Services Administration.	Prince Faisal bin Al Hussein, Amman, Jordan, Royal Jordanian Air Force, Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain Daniel E. Rueth, Combined Air Power Transition Force (CAPTF) Executive Officer, Kabul, Afghanistan.	3′ x 5′ Afghan wool rug, red, blue, and tan design with tan fringe. Rec'd—5/14/2009. Est. Value—$400.00. Disposition—retained at the Headquarters in Afghanistan.	Brig Gen Aref, Commander of the Afghan National Army Air Corps (ANAAC), Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael B. Donley, Secretary of the Air Force, Washington, DC.	4′ x 6′ Afghan wool rug, tan with Gold & red design & tan fringe. Rec'd—8/28/2009. Est. Value—$550.00. Disposition—Currently on display at the Pentagon, Rm 4E878.	Major General Mohammed Darwan, Afghan National Army Air Corps Commander, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Captain Eric G. Alvarez, Assistant Flight Commander, 37th Expeditionary Bomb Squardron (37 EBS), Al Udeid Air Base, Qatar.	Lancaster stainless steel silver watch; Givenchy Pi Fraicheur Eau de Toilette, 3.3 oz; Givenchy "Amarige Mariage Eau de Parfume", 3.3 oz; White gold pendant with diamonds in the shape of five intertwined hearts. Rec'd—4/6/2008. Est. Value—$1,302.00. Disposition—Pending Transfer to General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major Norman F. Shelton, Assistant Flight Commander, 37th Expeditionary Bomb Squardron (37 EBS), Al Udeid Air Base, Qatar.	Fenci Men's Classico watch; Givenchy "Ange ou Entrange Eau de Parfum", 1.7; Givenchy "Very Irrestible Fresh Attitude Summer Cocktail Spray", 3.3 oz; White gold pendant with a marquise shaped aquamarine accented with stars embedded with diamonds. Rec'd—4/6/2008. Est. Value—$1,412.00. Disposition—Pending Transfer to General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Capt Scott Martley, Assistant Flight Commander, 37th Expeditionary Bomb Squardron (37 EBS), Al Udeid Air Base, Qatar.	Lancaster Black Universo Chrono Large watch, leather band; Givenchy "Very Irrestible Fresh Attitude Summer Cocktail Spray", 3.3 oz; Givenchy "Ange eu Entrange Eau de Parfum", 3.3 oz; White gold pendant with a marquise shaped aquamarine surrounded by seven hearts embedded with diamonds. Rec'd—4/6/2008. Est. Value—$2,772.00. Disposition—Pending Transfer to General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Capt Brett Sailsbery, Assistant Flight Commander, 37th Expeditionary Bomb Squardron (37 EBS), Al Udeid Air Base, Qatar.	Lancaster Universo Chrono Large Gold Plated Date Watch, Leather Band; Givenchy Very Irrestible Eau de Toilette for Men 3.3 oz; Givenchy Very Irrestible Eau de Toilette for Women, 2.5 oz; White gold pendant and chain, large gray pear with spiral of diamonds on top. Rec'd—4/6/2008. Est. Value—$1,978.00. Disposition—Pending Transfer to General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lt Gen Dana T. and Mrs. Atkins, 11 AF/CC, Elmendorf AFB, AK.	Red Ceramic Teapot with matching cups; Coffee Table Book—World Heritage Sites in China; Traditional Chinese Peony Painting by the artist, Chen Yong Kang, personalized with handwritten dedication by artist & soft-cover gallery exhibit booklet. Rec'd—7/10/2008. Est. Value—$412.00. Disposition—Pending SAF/AA Decision.	Lt Gen Zhang Qinsheng, Commander Guangzhou Military Region, Peoples Liberation Army, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General William Fraser, Joint Chief of Staff, USAF, Washington, DC.	Framed 17″ x 23″ piece of porcelain with green, blue, purple and white floral design in gold floral design. Rec'd—9/24/2008. Est. Value—$600.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Abdelaziz Bouteflika, President of the People's Democratic Republic of Algeria.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mr. Bruce S. Lemkin, SES, Deputy Under Secretary of the Air Force, International Affairs, Pentagon, Washington, DC.	Large 8″ x 15″ x 4′ piece of ore, with what looks to be gold embedded throughout. Rec'd—1/13/2009. Est. Value—Unknown. Disposition—Pending Transfer to General Services Administration.	Major Gen Staff Pilot Mohammed bin Abdullah Al Ayeesh, Deputy Commander of the Royal Saudi Air Force (RSAF).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Colonel James R. Hall, chief, Office of Military Cooperation (OMC)-Qatar, US Embassy, Doha, Qatar.	Hamilton Khaki Navy Belowzero Auto Chrono Watch, Model H78–616–533. Rec'd—4/19/2009. Est. Value—$1,852.00. Disposition—Pending Transfer to General Services Administration.	His Highness Hamad bin Khalifa al-Thani, Qatari Emir (the Emir is also the Qatari Minister of Defense).	Non-acceptance would cause embarrassment to donor and U.S. Government.
Captain Daniel E. Rueth, Combined Air Power Transition Force (CAPTF) Executive Officer, Kabul, Afghanistan.	4′ x 6′ Afghan wool rug, tan with red & blue desing with tan fringe. Rec'd—5/21/2009. Est. Value—$549.00. Disposition—retained at the Headquarters in Afghanistan.	Maj Gen Khail Baz Sherzai, Commander of the Afghan National Army Air Corps (ANAAC) Detachment, Kandahar, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael B. Donley, Secretary of the Air Force, Washington, DC.	4′ x 6′ Afghan wool rug, red with yellow design & white fringe. Rec'd—8/28/2009. Est. Value—$550.00. Disposition—Currently on display at the Pentagon, Rm 4E883.	Mr. Abdul Rahim Wardak, Afghan Minister of Defense, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael B. Donley, Secretary of the Air Force, Washington, DC.	6′ x 8′ Afghan wool rug, red with small white design & white fringe. Rec'd—8/28/2009. Est. Value—$1,295.00. Disposition—Currently on display at the Pentagon, Rm 4E883.	Brig Gen Marston Tickell, Chief of Afghan National Air Corps Training, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael B. Donley, Secretary of the Air Force, Washington, DC.	4′ x 6′ Afghan wool rug, tan with blue and tan design & white fringe. Rec'd—10/14/2009. Est. Value—$550.00. Disposition—Currently on display at the Pentagon, Rm 4E878.	Air Chief Marshal Rao Qamar Suleman, Chief of Staff, Pakastain Armed Forces, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Michael B. Donley, Secretary of the Air Force, Washington, DC.	4′ x 6′ Afghan wool rug, tan with blue and tan design & white fringe. Rec'd—10/14/2009. Est. Value—$550.00. Disposition—Currently on display at the Pentagon, Rm 4E878.	Air Chief Marshal Rao Qamar Suleman, Chief of Staff, Pakastain Armed Forces, Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Lieutenant General Charles H. Jacoby, Jr, Deputy Commanding General (Operation), U.S. Forces-Iraq & Commander, I Corps.	Longines Presence Men's watch. Rec'd—4/2/2009. Est. Value—$645.00. Disposition—Pending Purchase Request.	His Excellency Masoud Barzani, President of the Kurdistan Regional Government, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Major General Mark P. Hertling, Commanding General, Multi National Division-North.	22 Karat oscar gold and diamond jewelry set (Necklace, earrings, ring, and bracelet). Rec'd—11/13/2008. Est. Value—$2,800.00. Disposition—Pending Transfer to General Services Administration.	Major General Sheik Ali, Kurdish General, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General R. Steven Whitcomb, The Inspector General.	Two-toned 18 Karat yellow gold braclet. Rec'd—3/01/2009. Est. Value—$800.00. Disposition—Pending Transfer to General Services Administration.	Egyptian Chief of Staff	Non-acceptance would cause embarrassment to donor and U.S. Government.
Lieutenant General Lloyd Austin, Commander, Multi-National Corps-Iraq.	Silver and gold rado brand men's watch. Rec'd—3/30/2009. Est. Value—$635.00. Disposition—Pending Transfer to General Services Administration.	General Faruq, Iraqi Operational Commander in Chief, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Kevin Mangum, Multi-National Security Transition Command-Iraq.	Gold necklace with gold charm. Rec'd—11/7/2009. Est. Value—$700.00. Disposition—Pending Transfer to General Services Administration.	Major General Fadil al Bawari, Commander 1st Iraqi Special Forces Brigade, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James C. Nixon, Deputy Commanding General—Operation, 25th Infantry Division, Multi-National Division-North, Iraq.	Longines gold and silver wrist watch. Rec'd—10/10/2009. Est. Value—$500.00. Disposition—Pending Transfer to General Services Administration.	General Chet, Garmian Police Commander, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James C. Nixon, Deputy Commanding General—Operation, 25th Infantry Division, Multi-National Division-North, Iraq.	Iraqi rug, 22″ x 30″ in gold, yellow, and maroon. Rec'd—3/27/2009. Est. Value—$2,500.00. Disposition—Pending Transfer to General Services Administration.	Mayor Sheako Hussein Hammed, Darban di Khan Mayor, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James C. Nixon, Deputy Commanding General—Operation, 25th Infantry Division, Multi-National Division-North, Iraq.	Iraqi rug, 30″ x 44″ in blue, yellow, and green. Rec'd—10/16/2009. Est. Value—$1,500.00. Disposition—Pending Transfer to General Services Administration.	Major General Jabbar Yawar, a Deputy Minster of Peshmerga, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James C. Nixon, Deputy Commanding General—Operation, 25th Infantry Division, Multi-National Division-North, Iraq.	Iraqi oval rug, 30″ x 48″ in blue, red, and yellow. Rec'd—10/19/2009. Est. Value—$2,500.00. Disposition—Pending Transfer to General Services Administration.	Lieutenant General Sherwan, a Deputy Minister of Peshmerga, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General Patrick J. Donahue, II, 3rd Infantry Division and Multi-National Division North, Deputy Commanding General—Maneuver.	Persian silk rug. Rec'd—10/19/2009. Est. Value—$2,000.00. Disposition—Pending Transfer to General Services Administration.	Major General Jabbar Yawar, a Deputy Minster of Peshmerga, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Silk rug, 3′ x 5′ in red, gold, and blue. Rec'd—1/12/2009. Est. Value—$500.00. Disposition—Retain for Official Display at HSC, 25th STB, Command Group, Building 580, Schofield Barracks, HI 96857.	Iraqi Government Official, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Silk rug, 3′ x 5′ in red, gold, and blue. Rec'd—2/10/2009. Est. Value—$500.00. Disposition—Retain for Official Display at Tropic Lightning Museum, Building #361, Waianae Avenue, Schofield Barracks, HI 96857.	Iraqi Government Official, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE ARMY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Men's Longines watch. Rec'd—4/26/2009. Est. Value—$600.00. Disposition—Retain for Official Display at Fort DeRussy (U.S. Army Museum of HI), Ala Moana Boulevard & Kalakaua Avenue, Honolulu, HI 96815.	His Excellency Masoud Barzani, President of the Kurdistan Regional Government, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Silk rug, 6′ x 9′. Rec'd—8/3/2009. Est. Value—$7,500.00. Location—Disponsition—Retain for Official Display at DMAIN, COB Speicher, Tikrit, Iraq, APO AE 09393.	Iraqi Government Official, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Silk rug, 3′ x 5′ in blue and gold. Rec'd—8/15/2009. Est. Value—$500.00. Disposition—Retain for Official Display at HSC, 25th STB, Command Group, Building 580, Schofield Barracks, HI 96857.	Lieutenant General Sherwan, Deputy Minister of Peshmerga, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Wool area rug, 4′ x 6′ in red. Rec'd—10/12/2009. Est. Value—$650.00. Disposition—Retain for Official Display at Fort DeRussy (U.S. Army Museum of HI), Ala Moana Boulevard & Kalakaua Avenue, Honolulu, HI 96815.	Government Official, Patriotic Union of Kurdistan, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Major General Robert Caslen, Commanding General, 25th Infantry Division, Multi-National Division-North Iraq.	Gold necklace, earring and ring set. Rec'd—10/14/2009. Est. Value—$3,100.00. Disposition—Retain for Official Display at Tropic Lightning Museum, Building #361, Waianae Avenue, Schofield Barracks, HI 96857.	Provincial Governor Fatah, Dahuk Provincial Government, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James McConville, Deputy Commanding General—101st Airborne Division (Air Assault).	Area rug, 4′ x 6′ in red, green, and tan. Rec'd—3/7/2009. Est. Value—$420.00. Disposition—Retain for Official Display at HQ 101st Airborne Division (Air Assault), Fort Campbell, KY.	Hajji Bahlol, Governor of Panjshir Province, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Brigadier General James McConville, Deputy Commanding General—101st Airborne Division (Air Assault).	Machine made area rug, 4′ x 6′ in red, green, and tan. Rec'd—10/17/2009. Est. Value—$400.00. Disposition—Retain for Official Display at HQ 101st Airborne Division (Air Assault), Fort Campbell, KY.	Hajji Bahlol, Governor of Panjshir Province, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral Gary Roughead, Chief of Naval Operations and Spouse.	3.89 karat diamond bracelet, in brown lacquered box (with certificate). Rec'd—5/28/09. Est. Value—$4,000.00. Location—General Services Administration.	Mrs. Mameesh, wife of the Egyptian Chief of Naval Forces, Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government

AGENCY: DEPARTMENT OF THE NAVY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral Gary Roughead, Chief of Naval Operations.	Swiza travel alarm timepiece encased in Imit Crocoskin with silver dial in brown leather box. Rec'd—4/14/08. Est. Value—$350.00. Location—General Services Administration.	Shaikh Salman Bin hamad Al Khalifa, Crown Prince and Deputy Supreme Commander, Kingdom of Bahrain.	Non-acceptance would cause embarrassment to donor and U.S. Government
Admiral Gary Roughead, Chief of Naval Operations.	19" Silver vase. Rec'd—5/28/09. Est. Value—$1,000.00. Disposition—Retained by member for display.	Vice Admiral Mohab Mameesh, Egyptian Naval Forces, Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government
Admiral Gary Roughead, Chief of Naval Operations.	Hand crafted crystal bowl by Lalique. Rec'd—12/24/08. Est. Value—$700.00. Disposition—Retained by member for display.	Vice Admiral Fahd Bin Abdullah, Commander of the Royal Saudi Naval Forces, Kingdom of Saudi Arabia.	Non-acceptance would cause embarrassment to donor and U.S. Government
Lieutenant General John R. Allen, U.S. Marine Corps, Deputy Commander, U.S. Central Command.	Longines gift set in brown lacquered box with keys; black ink pen; black leather wallet with Longines logo imprinted; set of silver and black cufflinks with Logines logo and a stainless steel Swiss analog men's watch with blue face and Longines logo on back, Serial No. 34257113. Rec'd—12/18/08. Est. Value—$1,000.00. Location—General Services Administration.	Maj Gen Hamad Al Atiya, Chief of Staff of the Qatari Armed Forces, State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government
Lieutenant General John R. Allen, U.S. Marine Corps, Deputy Commander, U.S. Central Command.	Swiss Rolex stainless steel analog mans' watch with black face, presented. Rec'd—11/23/08. Est. Value—$6,000.00. Location—General Services Administration.	Dr. Abudusalem, Chair Al Anbar Provincial Council, Republic of Iraq.	Non-acceptance would cause embarrassment to donor and U.S. Government
Rear Admiral Douglass T. Biesel, U.S. Navy, Commander, Joint Region Marianas.	29" x 21" carved wooden Palauan storyboard relating tale of "Turtle of Ngemelis.". Rec'd—10/9/09. Est. Value—$1,025.00. Disposition—Retained by member for display.	President Tommy Remengesau, Jr., Republic of Palau.	Non-acceptance would cause embarrassment to donor and U.S. Government

AGENCY: DEPARTMENT OF THE TREASURY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Andrew P. Baukol, Deputy Assistant Secretary for Africa and the Middle East.	Briefcase: Pierre Cardin, black leather. Rec'd—5/13/2009. Est. Value—$389.00. Disposition—Pending Transfer to General Services Administration.	African Development Bank; government official who presented gift unknown.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Timothy F. Geithner, Secretary of the Treasury of the United States.	Travel bag: Tod's black leather. Rec'd—2/14/2009. Est. Value—$3,400.00. Disposition—Pending Transfer to General Services Administration.	The Honorable Giulio Tremonti, Finance Minister of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Timothy F. Geithner, Secretary of the Treasury of the United States.	Goldplated sterling silver decanter. Rec'd—4/7/2009. Est. Value—$355.00. Disposition—Pending Transfer to General Services Administration.	His Excellency Hamid Bin Jassim Bin Jabor Al-Thani, Prime Minister of the State of Qatar.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE TREASURY—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Robert Kimmitt, Deputy Secretary of the Treasury.	4′ x 6′ Oriental area rug. Rec'd—1/22/2009. Est. Value—$698.00. Disposition—Transfer to Treasury Office of Personal Property on February 25, 2009.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robert Kimmitt, Deputy Secretary of the Treasury.	4′ x 6′ Oriental area rug. Rec'd—4/8/2009. Est. Value—$598.00. Disposition—Transfer to Treasury Office of Personal Property on April 14, 2009.	His Excellency Asif Ali Zardari, President of the Islamic Republic of Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Meg Lundsager, United States Executive Director of the International Monetary Fund.	Proof set of four Uzbekistan coins. Rec'd—10/14/2009. Est. Value—$360.00. Disposition—Pending Transfer to General Services Administration.	Mullajonov Fayzulla Maksudhonovich, Chairman of the Central Bank of Uzbekistan of the Republic of Uzbekistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Neal Wolin, Deputy Secretary of the Treasury.	2004 Monaco Official Proof coin set. Rec'd—9/8/2009. Est. Value—$618.00. Disposition—Pending Transfer to General Services Administration.	Franck Biancheri, Government Counsellor for External Relations of the Principality of Monaco.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL ENERGY REGULATORY COMMISSION

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Richard Miles, Director of the Office of Administrative Litigation, FERC.	Limited-edition Mont Blanc pen Rec'd—2/3/2009. Est. Value—$600. Disposition—Office of External Affairs Foreign Gift Room for display.	Her Excellency Marina Serrano Gonzales, Secretary to the Board, Spain Comision Nacional de Energia, Spain.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: FEDERAL RESERVE BOARD

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Ben S. Bernanke, Chairman of the Board of Governors of the Federal Reserve System.	Leather travel bag. Rec'd—2/14/2009. Est. Value—$750.00. Disposition—Office of the Chairman for Official Use.	The Honorable Giulio Tremonti, Minister of Economy and Finance of the Italian Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Ben S. Bernanke, Chairman of the Board of Governors of the Federal Reserve System.	Commemorative coin set (4 coins)—Poland's Road to Freedom (2009). Rec'd—9/1/2009. Est. Value—$425.00. Disposition—Chairman's office for Official Use.	The Honorable Slawomir Stanislaw Skrzypek, President of the National Bank of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF SCIENCE AND TECHNOLOGY POLICY

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Dr. John P. Holdren, Assistant to the President for Science and Technology and Director, Office of Science and Technology Policy.	Montegrappa fountain pen given at the Carnegie S+T meeting. Rec'd—11/1/2009. Est. Value—$1400.00. Disposition—Pending Transfer to General Services Administration.	The Honorable Andrei Fursenko, Minister of Education and Science of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
5 U.S.C. 7342 (f)(4), as amended	Card holder, leather, Cartier "Santos" together with a Cartier pen, fitted case. Rec'd—12/9/2009 Est. Value—$420.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342 (f)(4), as amended	Rug, 57″x39″, silk on silk, central radiating design, eight borders with compartmented main, Pakistan, 20th/21st century. Rec'd—6/5/2009. Est. Value—$2,000.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342(f)(4), as amended ..	Rug, 46″x33″, silk on silk, ivory field with maroon and olive scrolling, four borders with maroon main, Egypt, 20th/21st century. Rec'd—12/10/2009. Est. Value—$850.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.
5 U.S.C. 7342(f)(4), as amended ..	Rug, 62″x36″, wool on cotton, fleshy field with lozenge medallions, multiple borders, Pakistan, 20th/21st century. Rec'd—6/1/2009. Est. Value—$550.00. Disposition—For Official Use.	5 U.S.C. 7342(f)(4), as amended	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: U.S. HOUSE OF REPRESENTATIVES

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Michael E. Capuano, Member of Congress.	Six neckties. Rec'd—2/17/2009. Est. Value—$420.00. Location—Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Rosa L. DeLauro, Member of Congress.	Four women's scarves. Rec'd—2/13–2/22/2009. Est. Value—$1,170.00. Location—Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable John B. Larson, Member of Congress.	Six neckties. Rec'd—2/17/2009. Est. Value—$420.00. Location—Four ties personally retained by Member; two ties transferred to Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable George Miller, Member of Congress.	Eight neckties. Rec'd—2/13/2009. Est. Value—$560.00. Location—Four ties personally retained by Member; four ties transferred to Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Bill Pascrell, Jr., Member of Congress.	Six E. Marinella silk neckties. Rec'd—2/17/2009. Est. Value—$420.00. Location—Four ties personally retained by Member; two ties transferred to Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Nancy Pelosi, Speaker of the House.	Pair of Murano glass 15″ tall candlesticks with matching centerpiece footed bowl, gold iridescent glass, 20th century. Rec'd—2/19/2009. Est. Value—$950.00. Location—H–232, The Capitol (Permission granted to retain for official use).	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Nancy Pelosi, Speaker of the House.	Three E. Marinella scarves. Rec'd—6/15/2009. Est. Value—$877.50. Location—One scarf to be purchased and personally retained by Member; two scarves transferred to Office of the Clerk.	His Excellency Silvio Berlusconi, President of the Council of Ministers of the Republic of Italy.	Non-acceptance would cause embarrassment to donor and U.S. Government.
The Honorable Nancy Pelosi, Speaker of the House.	4′ x 6′ silk screen of the Yangtze River Gorge, circa 2009. Rec'd—9/8/2009. Est. Value—$500.00. Location—H–230, The Capitol (Permission granted to retain for official use).	Chairman Wu Bangguo, Chairman, Standing Committee of the National People's Congress, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Courtney Chubb, EXO, USAID/Russia.	Wooden box with stone decorations, a pipe with silver trim and jewelry. Rec'd—2/16/09. Est. Value—$3,400.00. Disposition—USAID/Washington.	Senator Vitaly Malkin, State Representative from the Republic of Buryatia to the Federation Council of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Thomas Carper, United States Senator.	6′ x 9′ Afghan wool rug. Rec'd—5/24/2009. Est. Value—$1000.00. Location—Deposited with the Secretary of the Senate.	Abdul Rahim Wardak, Defense Minister, Islamic Republic of Afghanistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES SENATE—Continued

[Report of Tangible Gifts]

Name and title of person accepting the gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
The Honorable Hillary Rodham Clinton, United States Senator.	Metal and wood sculpture by Israel Hadany entitled "The Spies". Rec'd—02/01/2002. Est. Value—$3500.00. Location—Deposited with the Secretary of the Senate.	Binyamin Elon, Minister of Tourism of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.

[FR Doc. 2011–794 Filed 1–14–11; 8:45 am]

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FEDERAL REGISTER

Vol. 76 Tuesday

No. 11 January 18, 2011

Part III

The President

Notice of January 13, 2011—Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process

Federal Register
Vol. 76, No. 11
Tuesday, January 18, 2011

Presidential Documents

Title 3—

The President

Notice of January 13, 2011

Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons, including Usama bin Laden, who threaten to disrupt the Middle East peace process.

Because these terrorist activities continue to threaten the Middle East peace process and to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on January 23, 1995, and the measures adopted on that date and on August 20, 1998, to deal with that emergency must continue in effect beyond January 23, 2011. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
January 13, 2011.

[FR Doc. 2011–1106
Filed 1–14–11; 11:15 am]
Billing code 3195–W1–P

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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*.

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S. 3243/P.L. 111–376
Anti-Border Corruption Act of 2010 (Jan. 4, 2011; 124 Stat. 4104)

S. 3447/P.L. 111–377
Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Jan. 4, 2011; 124 Stat. 4106)

S. 3481/P.L. 111–378
To amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution. (Jan. 4, 2011; 124 Stat. 4128)

S. 3592/P.L. 111–379
To designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the "First Lieutenant Robert Wilson Collins Post Office Building". (Jan. 4, 2011; 124 Stat. 4130)

S. 3874/P.L. 111–380
Reduction of Lead in Drinking Water Act (Jan. 4, 2011; 124 Stat. 4131)

S. 3903/P.L. 111–381
To authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo. (Jan. 4, 2011; 124 Stat. 4133)

S. 4036/P.L. 111–382
To clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury. (Jan. 4, 2011; 124 Stat. 4134)

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