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WHERE: Office of the Federal Register
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG47

Small Business Size Standards; Adoption of 2012 North American Industry Classification System for Size Standards; Correction

AGENCY: U.S. Small Business Administration.

ACTION: Interim final rule; correction.

SUMMARY: The U.S. Small Business Administration (SBA) is correcting an interim final rule that appeared in the **Federal Register** on August 20, 2012 (75 FR 49991). The document amended SBA's Small Business Size Regulations by incorporating the Office of Management and Budget's 2012 modifications of the North American Industry Classification System (NAICS) into its table of small business size standards. In addition, the document revised the definitions of some NAICS 2007 industries, deleted others, and aggregated a number of closely related industries and activities into other new or revised industries. SBA will adopt the changes effective with the beginning of the Federal Government's first new fiscal year (October 1, 2012) following the revisions.

DATES: Effective October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Khem Sharma, Chief, Office of Size Standards, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: In FR Doc. 2012–19973 appearing on page 49991 in the **Federal Register** issue of Monday, August 20, 2012, the following corrections are made:

1. On page 50008, in the second column, instruction 'y' is corrected to read as follows: ''y. Remove entries 315111, 315119, 315191, 315912, 315211, 315212, 315221 through 315225, 315228, 315231 through 315234, 315239, 315291, 315292, 315299, 315991, 315992, 315993 and 315999;''.

2. On page 50008, in the third column, instruction 'll' is corrected to read as follows: ''ll. Add entries for 325130, 325180, and 325194;''.

3. On page 50008, in the third column, instruction 'ddd' is corrected to read as follows: ''ddd. Add an entry for 332119;''.

4. On page 50008, in the third column, instruction 'eee' is corrected to read as follows: ''eee. Remove the entries for 332211, 332212, 332213, and 332214;''.

5. On page 50008, in the third column, instruction 'jjj' is corrected to read as follows: ''jjj. Remove the entries for 332995, 332997, and 332998;''.

Dated: September 10, 2012.

Calvin Jenkins,

Deputy Associate Administrator for Government Contracting and Business Development.

[FR Doc. 2012–22627 Filed 9–13–12; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0338; Directorate Identifier 2009–SW–51–AD; Amendment 39–17172; AD 2012–17–09]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Eurocopter France Model SA341G helicopters. This AD requires replacing any rotating star with more than 12,000 hours TIS. This AD was prompted by an analysis and tests performed by the manufacturer that indicate that the life limit of the rotating star should be 12,000 hours time-in-service (TIS). The actions of this AD are intended to prevent failure of the rotating star and subsequent loss of control of the helicopter.

DATES: This AD is effective October 19, 2012.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *gary.b.roach@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On March 29, 2012, at 77 FR 18965, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter France Model SA341G helicopters, with rotating star, part number (P/N) 341A31.4116.21 installed. That NPRM proposed to require replacing any rotating star with 12,000 or more hours TIS with an airworthy rotating star with less than 12,000 hours TIS. The NPRM also proposed to revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by reducing the service life of the main rotor rotating star from unlimited hours to 12,000 hours TIS. The proposed requirements were intended to prevent failure of the rotating star and subsequent loss of control of the helicopter.

The Direction Generale de l'Aviation Civile (DGAC), which is the aviation authority for France, has issued DGAC AD No. F–2004–070, dated May 26, 2004, to correct an unsafe condition for Eurocopter France Model SA 341/342 helicopters. The DGAC advises that they issued the AD to require a new service life limit of 12,000 flight hours for the

rotating star, part number (P/N) 341A31.4116.21, installed on Model SA341G helicopters.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM.

FAA's 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, DGAC, its technical representative, has notified us of the unsafe condition described in the DGAC AD. We are issuing this AD because we evaluated all information provided by DGAC and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Costs of Compliance

We estimate that this AD will affect 21 helicopters of U.S. registry and the actions will take approximately 6 work hours per helicopter to accomplish at an average labor rate of $85 per work hour. Required parts will cost approximately $6,000. Based on these figures, we estimate the total cost impact of this AD on U.S. operators to be $6,510 to replace the rotating star on each helicopter, or $136,710 for the entire U.S. fleet.

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 helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–17–09 Eurocopter France: Amendment 39–17172; Docket No. FAA–2012–0338; Directorate Identifier 2009–SW–51–AD.

(a) Applicability

This AD applies to Model SA341G helicopters, with rotating star, part number (P/N) 341A31.4116.21 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a reduced service life of the rotating star. This condition could result in failure of the rotating star and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 19, 2012.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless accomplished previously.

(e) Required Actions

(1) Before further flight, remove any rotating star, P/N 341A31.4116.21, with 12,000 or more hours time-in-service (TIS), and replace it with an airworthy rotating star with less than 12,000 hours TIS.

(2) Revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness by reducing the service life of the main rotor rotating star from unlimited hours TIS to 12,000 hours TIS.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 222–5110; email *gary.b.roach@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in Direction Generale de l'Aviation Civile (France) AD No. F–2004–070, dated May 26, 2004.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6220: Main Rotor Head.

Issued in Fort Worth, Texas, on August 21, 2012.

Lance T. Gant,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–21531 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0008; Directorate Identifier 2011–NE–43–AD; Amendment 39–17115; AD 2012–14–01]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain

Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines. This AD was prompted by the discovery of a manufacturing defect on certain part number (P/N) and serial number (S/N) low-pressure (LP) compressor booster rotors. This AD requires initial and repetitive fluorescent penetrant inspections of certain P/N and S/N LP compressor booster rotors and rework or replacement of them as terminating action to the repetitive inspections. We are issuing this AD to prevent failure of the LP compressor booster rotor, uncontained engine failure, and damage to the airplane.

DATES: This AD becomes effective October 19, 2012. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 19, 2012.

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

FOR FURTHER INFORMATION CONTACT: Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on February 24, 2012 (77 FR 11019). That NPRM proposed to correct an unsafe condition for the specified products. European Aviation Safety Agency (EASA) AD 2011–0232 states:

Several LP compressor booster rotors have been found non-compliant to original design.

The technical investigations carried out by Rolls-Royce Deutschland revealed that this discrepancy is due to a manufacturing defect and that only some specific LP compressor booster rotor serial numbers are affected.

This condition, if not corrected, could lead to an uncontained engine failure, potentially damaging the aeroplane and injuring its occupants, and/or injuring persons on the ground.

To address this condition, RRD has developed an inspection program and a rework for the affected LP compressor booster rotors.

For the reason described above, depending on engine type of operations, this AD requires repetitive fluorescent penetrant inspections of the LP compressor booster rotor and if any crack is found, replacement with a serviceable part. This AD also requires rework of all affected LP compressor booster rotors.

You may obtain further information by examining EASA AD 2011–0232 in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

Based on the service information, we estimate that this AD affects about 96 engines installed on airplanes of U.S. registry. We also estimate that it will take about 5 work-hours per engine to perform one inspection and about 8 work-hours per engine to perform the rework. The average labor rate is $85 per work-hour. Based on these figures, if all engines are reworked, we estimate the cost of the AD on U.S. operators to perform one inspection and to perform the rework to be $106,080.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–14–01 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–17115; Docket No. FAA–2012–0008; Directorate Identifier 2011–NE–43–AD.

(a) Effective Date

This AD becomes effective October 19, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700–

715A1–30, BR700–715B1–30, and BR700–715C1–30 turbofan engines, with a low-pressure (LP) compressor booster rotor, part number (P/N) BRH19215, or P/N BRH19871, with serial numbers (S/N) 118 to 255 inclusive, installed.

(d) Reason

This AD was prompted by the discovery of a manufacturing defect on certain P/N and S/N LP compressor booster rotors. We are issuing this AD to prevent failure of the LP compressor booster rotor, uncontained engine failure, and damage to the airplane.

(e) Actions and Compliance

Unless already done, do the following actions.

(1) At the applicable compliance time in Table 1 to paragraph (e) of this AD, perform an initial fluorescent penetrant inspection (FPI) of the LP compressor booster rotor, in accordance with paragraphs 3.D. through 3.H.(1) (except paragraphs 3.G.(1) and 3.G.(2)) of Accomplishment Instructions of RRD Alert Non-Modification Service Bulletin No. ALERT SB–BR700–72–A900503, Revision 4, dated June 16, 2011.

TABLE 1 TO PARAGRAPH (E)—COMPLIANCE TIMES

Engine type of operation	Initial FPI (whichever occurs later)	Repetitive FPI interval (not to exceed)
''Hawaiian'' Flight Mission only	Before accumulating 36,000 engine cycles (EC) or within 500 EC after the effective date of this AD.	6,000 EC
Any other rating, or combination of ratings	Before accumulating 18,000 EC, or within 500 EC after the effective date of this AD.	4,000 EC

(2) Thereafter, at intervals not to exceed the applicable compliance time in Table 1 of this AD, perform repetitive FPIs of the LP compressor booster rotor, in accordance with paragraphs 3.D. through 3.H.(1) (except paragraphs 3.G.(1) and 3.G.(2)) of Accomplishment Instructions of RRD Alert Non-Modification Service Bulletin No. ALERT SB–BR700–72–A900503, Revision 4, dated June 16, 2011.

(3) Remove cracked LP compressor booster rotors before further flight.

(4) At the next piece part exposure of the LP compressor booster rotor during shop visit, remove the LP compressor booster rotor and either:

(i) Rework the LP compressor booster rotor in accordance with paragraph 3.D. of Accomplishment Instructions of RRD Service Bulletin (SB) No. SB–BR700–72–101683, dated September 20, 2010; or

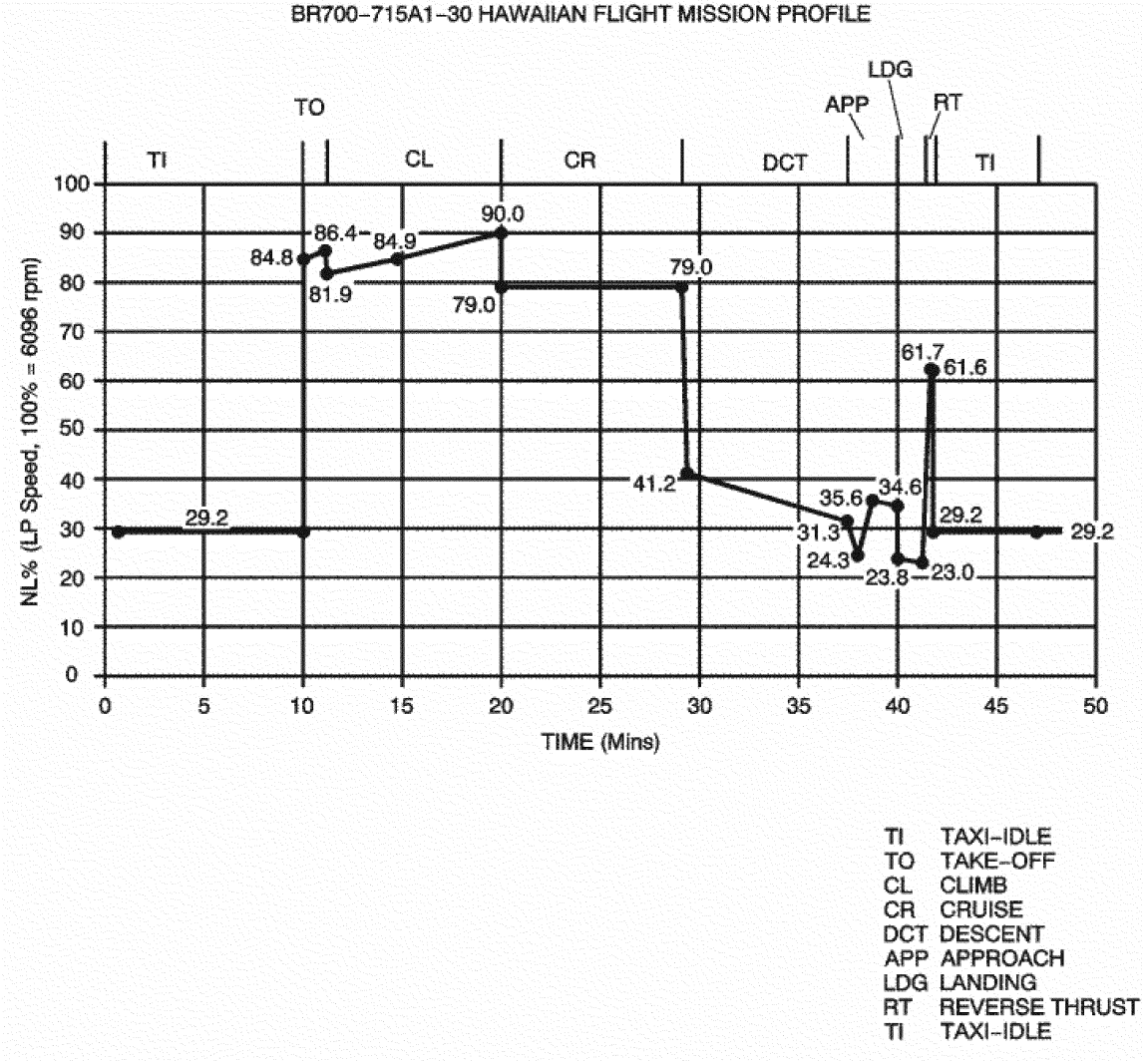
(ii) Replace the LP compressor booster rotor with one that is eligible for installation.

(f) Definitions

(1) For the purpose of this AD, an LP compressor booster rotor that is eligible for installation is one that is not listed in applicability paragraph (c) of this AD.

(2) The Hawaiian Flight Mission referenced in Table 1 to paragraph (e) is shown in Figure 1 to paragraph (f)(2):

Figure 1 to pagragraph (f)(2)



(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2011–0232, dated December 13, 2011, for related information.

(i) Material Incorporated by Reference

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

(2) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise:

(i) Rolls-Royce Deutschland (RRD) Ltd & Co KG Alert Non-Modification Service Bulletin No. ALERT SB–BR700–72–A900503, Revision 4, dated June 16, 2011.

(ii) RRD Ltd & Co KG Service Bulletin No. SB–BR700–72–101683, dated September 20, 2010.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany, telephone: +49 (0) 33–7086–1883, fax: +49 (0) 33–7086–3276.

(4) You may review this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may also review the service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on June 25, 2012.

Peter A. White,

Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–22533 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0848; Directorate Identifier 2012–NE–20–AD; Amendment 39–17167; AD 2012–17–04]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) RB211-Trent 800 series turbofan engines. This AD requires removing from service certain intermediate pressure (IP) turbine discs that have a serial number listed in this AD. This AD was prompted by RR performing an evaluation that determined that the current lives for certain IP turbine discs with a steel inclusion may fail before they reach their current mandatory life limits. We are issuing this AD to prevent failure of the IP turbine disc, which could result in uncontained failure of the engine and damage to the airplane.

DATES: This AD becomes effective October 1, 2012.

We must receive comments on this AD by October 29, 2012.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418 or email from *http://www.rolls-royce.com/contact/civil_team.jsp,* or download the publication from *https://www.aeromanager.com.* You may review copies of the referenced service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7143; fax: 781–238–7199; email: *alan.strom@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2012–0120, dated July 4, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The inspection of several IP turbine discs at past engine overhauls identified the presence of steel inclusions in these parts. Further investigation concluded that all affected parts were manufactured from Waspalloy billets produced before 1997 at a certain supplier who also melted steel in the same furnaces. Initial engineering evaluation concluded that the lives of the parts would not be affected by the presence of the said steel inclusions. This evaluation has been recently repeated, utilising improved structural analysis, and it is now concluded that the currently published lives of the components cannot be supported for some discs with a steel inclusion.
>
> This condition, if not corrected, could lead to an uncontained IP turbine disc failure, possibly resulting in damage to, and reduced control of, the aeroplane.

The current life limit of the Trent 800 IP turbine disc is 11,610 standard duty cycles. Analysis shows that discs that could have steel inclusions in them must be removed earlier than the current life to prevent uncontained disc failure. We are issuing this AD to prevent failure of the IP turbine disc, which could result in uncontained failure of the engine and damage to the airplane. You may obtain further information by examining the MCAI in the AD docket.

FAA's Determination and Requirements of This AD

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

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because no affected IP turbine discs are installed in engines that are used on U.S.-registered airplanes. Therefore, we determined that notice and opportunity for public comment before issuing this AD are unnecessary and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0848; Directorate Identifier 2012–NE–20–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of the Web site, anyone can find and read the comments in any of our dockets, including, if provided, the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the

Federal Register published on April 11, 2000 (65 FR 19477–78).

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2012–17–04 Rolls-Royce plc: Amendment 39–17167; Docket No. FAA–2012–0848; Directorate Identifier 2012–NE–20–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective October 1, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211-Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17 turbofan engines that have an intermediate pressure (IP) turbine disc with a serial number listed in Table 1 to paragraph (e) of this AD, installed.

(d) Reason

This AD was prompted by RR performing an evaluation that determined that the current lives for certain IP turbine discs with a steel inclusion may fail before they reach their current mandatory life limits. We are issuing this AD to prevent failure of the IP turbine disc, which could result in uncontained failure of the engine and damage to the airplane.

(e) Actions and Compliance

Unless already done, do the following. Remove disc serial numbers (S/Ns) listed in Table 1 to paragraph (e) of this AD within 9,700 standard duty cycles since new.

TABLE 1 TO PARAGRAPH (E)—AFFECTED IP TURBINE DISCS

IP Turbine Disc S/N
ADREB 73
ADREB 79
ADREB 80
ADREB 81
ADREB 82
ADREB 83
ADREB 84
ADREB 85
ADREB 86
ADREB 87
ADREB 88
ADREB 89
ADREB 90
ADREB 91
ADREB 92
ADREB 94
ADREB 96
ADREB 102
ADREB 103
ADREB 104

(f) Installation Prohibition

After the effective date of this AD, do not install any IP and Low Pressure (LP) turbine module on any engine with an IP turbine disc with an S/N listed in Table 1 to paragraph (e) of this AD if the life of the disc is equal to or greater than 9,700 standard duty cycles since new. After the effective date of this AD, do not install any IP turbine disk listed in Table 1 to paragraph (e) of this AD if the life of the disk is equal to or greater than 9,700 standard duty cycles since new.

(g) Definitions

For the purposes of this AD, a shop visit is one where the IP and LP turbine module has been removed from the engine.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) You may find additional information on replacing the IP turbine disc, in RB211 Trent 800 Propulsion Systems Non-Modification Service Bulletin No. RB.211–72–AG795, dated October 28, 2011.

(2) For more information about this AD, contact Alan Strom, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7143; fax: 781–238–7199; email: *alan.strom@faa.gov*.

(3) Refer to European Aviation Safety Agency Airworthiness Directive 2012–0120, dated July 4, 2012, for related information.

(4) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418 or email from *http://www.rolls-royce.com/contact/civil_team.jsp*.

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on August 15, 2012.

Colleen M. D'Alessandro,

Assistant Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2012–21286 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–1399; Airspace Docket No. 11–ASW–14]

Amendment of Class E Airspace; Kerrville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace at Kerrville, TX. Additional controlled airspace is necessary to accommodate new Area Navigation (RNAV) Standard Instrument Approach Procedures at Kerrville Municipal

Airport/Louis Schreiner Field. The geographic coordinates of the airport also are adjusted. The FAA is taking this action to enhance the safety and management of Instrument Flight Rule (IFR) operations at the airport. Due to subsequent decommissioning, the Shein locator outer marker/nondirectional radio beacon (LOM/NDB) will be removed from the regulatory text.

DATES: Effective date: 0901 UTC, November 15, 2012. 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: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone (817) 321–7716.

SUPPLEMENTARY INFORMATION:

History

On May 21, 2012, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace for the Kerrville, TX, area, creating additional controlled airspace at Kerrville Municipal Airport/Louis Schreiner Field (77 FR 29921) Docket No. FAA–2011–1399. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, it was discovered that the Shein LOM/NDB had been decommissioned. This action removes the Shein LOM/NDB from the regulatory text,

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9V dated August 9, 2011, and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations 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 amending Class E airspace extending upward from 700 feet above the surface to accommodate new standard instrument approach procedures at Kerrville Municipal Airport/Louis Schreiner Field, Kerrville, TX. This action is necessary for the safety and management of IFR operations at the airport. Geographic coordinates are updated to coincide with the FAA's aeronautical database. This action also removes the decommissioned Shein LOM/NDB from the regulatory text.

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 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 U.S. Code. Subtitle 1, 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 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 controlled airspace at Kerrville Municipal Airport/Louis Schreiner Field, Kerrville, TX.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. 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 14 CFR 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 the Federal Aviation Administration Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface.

* * * * *

ASW TX E5 Kerrville, TX [Amended]

Kerrville Municipal Airport/Louis Schreiner Field, TX
(Lat. 29°58′36″ N., long. 99°05′08″ W)

That airspace extending upward from 700 feet above the surface within a 7.6-mile radius of Kerrville Municipal Airport/Louis Schreiner Field, and within 2 miles each side of the 310° bearing from the airport extending from the 7.6-mile radius to 12.3 miles northwest of the airport, and within 2.2 miles each side of the 131° bearing from the airport extending from the 7.6-mile radius to 11.6 miles southeast of the airport.

Issued in Fort Worth, Texas, on August 29, 2012.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2012–22585 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30861; Amdt. No. 3496]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are

needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 14, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 14, 2012.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

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

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on August 31, 2012.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
18–Oct–12	CA	Fresno	Fresno Chandler Executive.	2/0072	08/28/12	GPS RWY 30, Orig-B.
18–Oct–12	CA	Fresno	Fresno Chandler Executive.	2/0073	08/28/12	NDB OR GPS B, Amdt 7B.
18–Oct–12	MS	Greenville	Mid Delta Rgnl	2/2969	08/28/12	ILS OR LOC RWY 18L, Amdt 9E.
18–Oct–12	MS	Greenville	Mid Delta Rgnl	2/2983	08/28/12	RNAV (GPS) RWY 18L, Orig.
18–Oct–12	PA	Philadelphia	Philadelphia Intl	2/3006	08/28/12	RNAV (RNP) Z RWY 9R, Orig-A.
18–Oct–12	PA	Philadelphia	Philadelphia Intl	2/3007	08/28/12	RNAV (RNP) Z RWY 9L, Orig-A.
18–Oct–12	NM	Truth Or Consequences	Truth Or Consequences Muni.	2/4949	08/28/12	VOR A, Amdt 9B.
18–Oct–12	MO	St Louis	Lambert-St Louis Intl	2/4950	08/28/12	ILS OR LOC RWY 6, Amdt 1D.
18–Oct–12	NM	Silver City	Grant County	2/6726	08/28/12	RNAV (GPS) RWY 26, Orig.
18–Oct–12	AZ	Safford	Safford Rgnl	2/8256	08/28/12	RNAV (GPS) RWY 12, Orig.
18–Oct–12	OK	Ardmore	Ardmore Downtown Executive.	2/8543	08/28/12	RNAV (GPS) RWY 35, Orig.
18–Oct–12	OK	Ardmore	Ardmore Downtown Executive.	2/8545	08/28/12	RNAV (GPS) RWY 17, Orig.
18–Oct–12	IA	Sioux City	Sioux Gateway/Col. Bud Day Field.	2/8554	08/28/12	NDB RWY 13, Amdt 15D.
18–Oct–12	TX	Lubbock	Lubbock Preston Smith Intl.	2/8555	08/28/12	LOC BC RWY 35L, Amdt 18B.
18–Oct–12	TX	Center	Center Muni	2/8556	08/28/12	RNAV (GPS) RWY 17, Orig.
18–Oct–12	TX	Lubbock	Lubbock Preston Smith Intl.	2/8581	08/28/12	VOR A, Amdt 6B.
18–Oct–12	LA	Houma	Houma-Terrebonne	2/8629	08/28/12	VOR RWY 12, Amdt 5C.
18–Oct–12	OK	Stillwater	Stillwater Rgnl	2/8630	08/28/12	ILS OR LOC RWY 17, Amdt 2.
18–Oct–12	OH	Bellefontaine	Bellefontaine Rgnl	2/8635	08/28/12	TAKEOFF MINIMUMS AND (OBSTACLE) DP, Orig.
18–Oct–12	MO	Kansas City	Charles B. Wheeler Downtown.	2/9138	08/28/12	RNAV (GPS) RWY 19, Orig.
18–Oct–12	MO	Kansas City	Charles B. Wheeler Downtown.	2/9139	08/28/12	RNAV (GPS) RWY 21, Amdt 1.

[FR Doc. 2012–22237 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30860; Amdt. No. 3495]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective September 14, 2012. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 14, 2012.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its

associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule '' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on August 31, 2012.

Ray Towles,

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 20 September 2012

Elmira/Corning, NY, Elimira/Corning Rgnl, ILS OR LOC RWY 6, Amdt 5
Elmira/Corning, NY, Elimira/Corning Rgnl, RNAV (GPS) RWY 6, Amdt 2
Elmira/Corning, NY, Elimira/Corning Rgnl, RNAV (GPS) RWY 24, Amdt 2

Effective 18 October 2012

Atmore, AL, Atmore Muni, RNAV (GPS) RWY 18, Amdt 1
Atmore, AL, Atmore Muni, RNAV (GPS) RWY 36, Amdt 1
Mountain View, CA, Moffett Federal Airfield, Takeoff Minimums and Obstacle DP, Amdt 2
Davenport, IA, Davenport Muni, RNAV (GPS) RWY 3, Amdt 1A
Davenport, IA, Davenport Muni, RNAV (GPS) RWY 21, Amdt 1A
Sparta, IL, Sparta Community-Hunter Field, RNAV (GPS) RWY 18, Amdt 1
Patterson, LA, Harry P Williams Memorial, Takeoff Minimums and Obstacle DP, Amdt 1A
Brainerd, MN, Brainerd Lakes Rgnl, RNAV (GPS) RWY 12, Amdt 1, CANCELED
Brainerd, MN, Brainerd Lakes Rgnl, RNAV (GPS) RWY 30, Amdt 1, CANCELED
Ronan, MT, Ronan, RNAV (GPS) RWY 16, Amdt 1
Ronan, MT, Ronan, RNAV (GPS) RWY 34, Amdt 1
Montauk, NY, Montauk, Takeoff Minimums and Obstacle DP, Amdt 3
Carrollton, OH, Carroll County-Tolson, GPS RWY 7, Orig, CANCELED
Carrollton, OH, Carroll County-Tolson, RNAV (GPS) RWY 7, Orig
Carrollton, OH, Carroll County-Tolson, VOR–A, Amdt 1
Platteville, WI, Platteville Muni, RNAV (GPS) RWY 7, Orig-A

Effective 15 November 2012

Pago Pago, AQ, Pago Pago Intl, VOR–D, Amdt 6A
Phoenix, AZ, Phoenix Sky Harbor Intl, Takeoff Minimums and Obstacle DP, Amdt 5
Atlanta, GA, Atlanta Rgnl Falcon Field, ILS OR LOC RWY 31, Amdt 2
Atlanta, GA, Atlanta Rgnl Falcon Field, NDB RWY 31, Amdt 3
Atlanta, GA, Atlanta Rgnl Falcon Field, RNAV (GPS) RWY 13 Amdt 2
Atlanta, GA, Atlanta Rgnl Falcon Field, RNAV (GPS) RWY 31 Amdt 2
Atlanta, GA, Covington Muni, NDB RWY 28, Amdt 3
Atlanta, GA, Covington Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Atlanta, GA, Covington Muni, VOR/DME RWY 10, Amdt 5
Atlanta, GA, Paulding Northwest Atlanta, ILS OR LOC/DME RWY 31, Orig-B
Atlanta, GA, Paulding Northwest Atlanta, RNAV (GPS) RWY 31, Orig-B
Waycross, GA, Waycross-Ware County, ILS OR LOC RWY 18, Amdt 2
Waycross, GA, Waycross-Ware County, RNAV (GPS) RWY 18, Amdt 1
Waycross, GA, Waycross-Ware County, RNAV (GPS) RWY 36, Amdt 1
Waycross, GA, Waycross-Ware County, Takeoff Minimums and Obstacle DP, Amdt 1
Waycross, GA, Waycross-Ware County, VOR–A, Amdt 9
Evansville, IN, Evansville Rgnl, ILS OR LOC RWY 4, Amdt 2A
Bowling Green, KY, Bowling Green-Warren County Rgnl, VOR/DME RWY 21, Amdt 8A, CANCELED
Owensboro, KY, Owensboro-Daviess County, Takeoff Minimums and Obstacle DP, Amdt 5

Owensboro, KY, Owensboro-Daviess County, VOR RWY 6, Amdt 2
Owensboro, KY, Owensboro-Daviess County, VOR RWY 18, Amdt 10
Owensboro, KY, Owensboro-Daviess County, VOR RWY 36, Amdt 19
Bogalusa, LA, George R Carr Memorial Air Fld, LOC RWY 18, Amdt 3
Bogalusa, LA, George R Carr Memorial Air Fld, RNAV (GPS) RWY 18, Amdt 1
Bogalusa, LA, George R Carr Memorial Air Fld, RNAV (GPS) RWY 36, Amdt 1
Bogalusa, LA, George R Carr Memorial Air Fld, Takeoff Minimums and Obstacle DP, Amdt 3
Fosston, MN, Fosston Muni, RNAV (GPS) RWY 16, Orig-A
Fosston, MN, Fosston Muni, RNAV (GPS) RWY 34, Orig-A
Newark, NJ, Newark Liberty Intl, RNAV (GPS) Y RWY 4R, Amdt 1D
Belen, NM, Alexander Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Reno, NV, Reno/Stead, RNAV (GPS) RWY 32, Amdt 1A
White Plains, NY, Westchester County, COPTER ILS OR LOC/DME RWY 16, Orig-E, CANCELED
White Plains, NY, Westchester County, NDB RWY 16, Amdt 21C, CANCELED
Altoona, PA, Altoona-Blair County, ILS OR LOC RWY 21, Amdt 7
Altoona, PA, Altoona-Blair County, RNAV (GPS) RWY 21, Amdt 1
Altoona, PA, Altoona-Blair County, RNAV (GPS) Y RWY 21, Orig, CANCELED
Altoona, PA, Altoona-Blair County, RNAV (GPS) Z RWY 3, Orig
Altoona, PA, Altoona-Blair County, VOR–A, Amdt 5A
Nashville, TN, Nashville Intl, Takeoff Minimums and Obstacle DP, Amdt 8
Bryan, TX, Coulter Field, RNAV (GPS) RWY 15, AMDT 1
Bryan, TX, Coulter Field, RNAV (GPS) RWY 33, AMDT 1
College Station, TX, Easterwood Field, RNAV (GPS) RWY 10, Amdt 1A
Houston, TX, Ellington Field, RNAV (GPS) RWY 22, Amdt 2A
Voroqua, WI, Viroqua Muni, RNAV (GPS) RWY 11, Orig-A, CANCELED
Voroqua, WI, Viroqua Muni, Takeoff Minimums and Obstacle DP, Amdt 1

RESCINDED: On August 20, 2012 (77 FR 50012), the FAA published an Amendment in Docket No. 30855, Amdt No. 3490 to Part 97 of the Federal Aviation Regulations under section 97.33. The following 3 entries for Sacramento, CA, effective 20 September 2012, are hereby rescinded in their entirety:

Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 34L, Amdt 1A
Sacramento, CA, Sacramento Intl, RNAV (GPS) Y RWY 34R, Orig-D
Sacramento, CA, Sacramento Intl, RNAV (RNP) Z RWY 16R, Orig

[FR Doc. 2012–22260 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730, 732, 734, 736, 738, 740, 742, 743, 744, 746, 747, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, and 774

[Docket No. 120820369–2369–01]

RIN 0694–AF78

Updated Statements of Legal Authority for the Export Administration Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule updates the Code of Federal Regulations legal authority citations for the Export Administration Regulations (EAR) to include the citations to the President's Notice of August 15, 2012—Continuation of Emergency Regarding Export Control Regulations and the President's Notice of May 19, 2012—Continuation of the National Emergency With Respect to the Actions of the Government of Syria. It also adds a citation to Executive Order 13338 to the authority citations paragraph of part 746 of the EAR.

DATES: The rule is effective September 14, 2012.

ADDRESSES: Although there is no formal comment period for this action, BIS welcomes comments from the public. Comments concerning this rule should be sent to *publiccomments@bis.doc.gov*, fax (202) 482–3355, or to Regulatory Policy Division, Bureau of Industry and Security, Room H2099B, U.S. Department of Commerce, Washington, DC 20230. Please refer to regulatory identification number (RIN) 0694–AF78 in all comments, and in the subject line of email comments.

FOR FURTHER INFORMATION CONTACT: William Arvin, Regulatory Policy Division, Bureau of Industry and Security, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

Since the Export Administration Act of 1979, as amended (50 U.S.C. app. sections 2401–2420 (2000)), expired in August 2001, parts 730—744 and 746—774 of the EAR (15 CFR Parts 730–774) have been continued in force pursuant to Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), and the annual notices continuing the international emergency declared in that executive order. This rule revises 25 authority citations paragraphs in the Code of Federal Regulations (CFR) to include the President's Notice of August 15, 2012—Continuation of Emergency Regarding Export Control Regulations, 77 FR 49699 (August 16, 2012), which is the most recent such annual notice. In addition, the authority for parts 730, 736 and 746 of the EAR with respect to Syria is based in part on Executive Order 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168, and the annual notices continuing the international emergency declared in that executive order. This rule revises the authority citation paragraphs for parts 730 and 736 of the EAR to include the President's Notice of May 9, 2012—Continuation of the National Emergency With Respect to the Actions of the Government of Syria, 77 FR 27559 (May 10, 2012), which is the most recent such annual notice. Finally, this rule adds a citation to Executive Order 13338 and the President's Notice of May 9, 2012 to the authority citations paragraph of EAR part 746 because that executive order is the authority for certain license requirements and license application review policies pertaining to Syria that are now located in part 746.

This rule is purely procedural, and makes no changes other than to revise CFR authority citations paragraphs. It does not change the text of any section of the EAR, nor does it alter any right, obligation or prohibition that applies to any person under the EAR.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). This rule does not impose any regulatory burden on the public and is consistent with the goals of Executive Order 13563. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule does not involve any collection of information.

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

4. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. This rule only updates legal authority citations. It clarifies information and is non-discretionary. This rule does not alter any right, obligation or prohibition that applies to any person under the EAR. Because these revisions are not substantive changes, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 730

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

15 CFR Parts 732, 740, 748, 750, 752, and 758

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

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research, Science and technology.

15 CFR Parts 736, 738, 770, and 772

Exports.

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

15 CFR Part 747

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

15 CFR Part 754

Agricultural commodities, Exports, Forests and forest products, Horses, Petroleum, Reporting and recordkeeping requirements.

15 CFR Part 756

Administrative practice and procedure, Exports, Penalties.

15 CFR Part 760

Boycotts, Exports, Reporting and recordkeeping requirements.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Reporting and recordkeeping requirements.

15 CFR Part 764

Administrative practice and procedure, Exports, Law enforcement, Penalties.

15 CFR Part 766

Administrative practice and procedure, Confidential business information, Exports, Law enforcement, Penalties.

15 CFR Part 768

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

Accordingly, parts 730, 732, 734, 736, 738, 740, 742, 743, 744, 746, 747, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772 and 774 of the EAR (15 CFR parts 730–774) are amended as follows:

PART 730—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Notice of September 21, 2011, 76 FR 59001 (September, 22, 2011); Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of January 19, 2012, 77 FR 3067 (January 20, 2012); Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 732—[AMENDED]

■ 2. The authority citation for 15 CFR part 732 is revised 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 15, 2012, 77 FR 49699 (August 16, 2012).

PART 734—[AMENDED]

■ 3. The authority citation for 15 CFR part 734 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 736—[AMENDED]

■ 4. The authority citation for 15 CFR part 736 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 738—[AMENDED]

■ 5. The authority citation for 15 CFR part 738 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22

U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 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 15, 2012, 77 FR 49699 (August 16, 2012).

PART 740—[AMENDED]

■ 6. The authority citation for 15 CFR part 740 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *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 15, 2012, 77 FR 49699 (August 16, 2012).

PART 742—[AMENDED]

■ 7. The authority citation for 15 CFR part 742 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 et seq.; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 743—[AMENDED]

■ 8. The authority citation for 15 CFR part 743 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 744—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 21, 2011, 76 FR 59001 (September, 22, 2011); Notice of November 9, 2011, 76 FR 70319 (November 10, 2011); Notice of January 19, 2012, 77 FR 3067 (January 20, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 746—[AMENDED]

■ 10. The authority citation for 15 CFR part 746 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of May 9, 2012, 77 FR 27559 (May 10, 2012); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 747—[AMENDED]

■ 11. The authority citation for 15 CFR part 747 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 748—[AMENDED]

■ 12. The authority citation for 15 CFR part 748 is revised 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 15, 2012, 77 FR 49699 (August 16, 2012).

PART 750—[AMENDED]

■ 13. The authority citation for 15 CFR part 750 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459 (May 16, 2003); Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 752—[AMENDED]

■ 14. The authority citation for 15 CFR part 752 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 754—[AMENDED]

■ 15. The authority citation for 15 CFR part 754 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 30 U.S.C. 185(s), 185(u); 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 756—[AMENDED]

■ 16. The authority citation for 15 CFR part 756 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 758—[AMENDED]

■ 17. The authority citation for 15 CFR part 758 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 760—[AMENDED]

■ 18. The authority citation for 15 CFR part 760 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 762—[AMENDED]

■ 19. The authority citation for 15 CFR part 762 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 764—[AMENDED]

■ 20. The authority citation for 15 CFR part 764 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 766—[AMENDED]

■ 21. The authority citation for 15 CFR part 766 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 768—[AMENDED]

■ 22. The authority citation for 15 CFR part 768 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 770—[AMENDED]

■ 23. The authority citation for 15 CFR part 770 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 772—[AMENDED]

■ 24. The authority citation for 15 CFR part 772 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2012, 77 FR 49699 (August 16, 2012).

PART 774—[AMENDED]

■ 25. The authority citation for 15 CFR part 774 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 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 15, 2012, 77 FR 49699 (August 16, 2012).

Dated: September 7, 2012.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2012–22719 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

[Docket No. FDA–2012–N–0002]

New Animal Drugs; Change of Sponsor; Change of Sponsor Address; Lincomycin and Spectinomycin Soluble Powder; Sulfadimethoxine Oral Solution and Soluble Powder; Tiamulin

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 three abbreviated new animal drug applications (ANADAs) from Teva Animal Health, Inc., to Phibro Animal Health Corp. FDA is also amending the regulations to reflect a change of sponsor's address for Phibro Animal Health Corp. and for Eka Chemicals, Inc.

DATES: This rule is effective September 14, 2012.

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, Email: *steven.vaughn@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Teva Animal Health, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503, has informed FDA that it has transferred ownership of, and all rights and interest in, ANADA 200–258 for Sulfadimethoxine Soluble Powder, ANADA 200–344 for Tiamulin Soluble Antibiotic, and ANADA 200–345 for Lincomycin-Spectinomycin Soluble Powder to Phibro Animal Health Corp., 65 Challenger Rd., 3d floor, Ridgefield Park, NJ 07660.

In addition, Phibro Animal Health Corp. has informed FDA of a change of address to GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., suite 21, Teaneck, NJ 07666. Eka Chemicals, Inc., 1775 West Oak Commons Ct., Marietta, GA 30062 has informed FDA of a change of address to 1850 Parkway Pl. SE., suite 1200, Marietta, GA 30067. Accordingly, the Agency is amending the regulations in 21 CFR 510.600 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

21 CFR Part 510

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

21 CFR Part 520

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 520 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), revise the entries for ''Eka Chemicals, Inc.'' and ''Phibro Animal Health''; and in the table in paragraph (c)(2), revise the entries for ''061088'' and ''066104'' 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
* * * * * * *	
Eka Chemicals, Inc., 1850 Parkway Pl. SE., suite 1200, Marietta, GA 30067	061088
* * * * * * *	
Phibro Animal Health Corp., GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., suite 21, Teaneck, NJ 07666	066104
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
*	* * * * * *
061088	Eka Chemicals, Inc., 1850 Parkway Pl. SE., suite 1200, Marietta, GA 30067
*	* * * * * *
066104	Phibro Animal Health Corp., GlenPointe Centre East, 3d floor, 300 Frank W. Burr Blvd., suite 21, Teaneck, NJ 07666
*	* * * * * *

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

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

§ 520.1265 [Amended]

■ 4. In paragraph (b)(2) of § 520.1265, remove ''Nos. 057561, 059130, and 061623'' and in its place add ''Nos. 057561, 061623, and 066104''.

§ 520.2220a [Amended]

■ 5. In paragraph (a)(2) of § 520.2220a, remove ''Nos. 000069, 054925, 057561, 058829, 059130, and 061623'' and in its place add ''Nos. 000069, 054925, 057561, 058829, 061623, and 066104''.

§ 520.2455 [Amended]

■ 6. In paragraph (b)(2) of § 520.2455, remove ''No. 059130'' and in its place add ''No. 066104''.

Dated: September 6, 2012.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2012–22646 Filed 9–13–12; 8:45 am]

BILLING CODE 4160–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans to prescribe interest assumptions under the benefit payments regulation for valuation dates in October 2012 and interest assumptions under the asset allocation regulation for valuation dates in the fourth quarter of 2012. The interest assumptions are used for valuing and paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

DATES: Effective October 1, 2012.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion (*Klion.Catherine@PBGC.gov*), Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulations on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) and Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulations are also published on PBGC's Web site (*http://www.pbgc.gov*).

The interest assumptions in Appendix B to Part 4044 are used to value benefits for allocation purposes under ERISA section 4044. PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for October 2012 and updates the asset allocation interest assumptions for the fourth quarter (October through December) of 2012.

The fourth quarter 2012 interest assumptions under the allocation regulation will be 3.07 percent for the first 20 years following the valuation date and 3.00 percent thereafter. In comparison with the interest assumptions in effect for the third quarter of 2012, these interest assumptions represent no change in the select period (the period during which the select rate (the initial rate) applies), an increase of 0.12 percent in the select rate, and a decrease of 0.66 percent in the ultimate rate (the final rate).

The October 2012 interest assumptions under the benefit payments regulation will be 0.75 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for September 2011, these interest assumptions are unchanged.

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits under plans with valuation dates during October 2012, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, an entry for Rate Set 228 is added to the table to read as follows:

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
228	10–1–12	11–1–12	0.75	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, an entry for Rate Set 228 is added to the table to read as follows:

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
228	10–1–12	11–1–12	0.75	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE–EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, an entry for October—December 2012 is added to the table to read as follows:

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
October—December 2012	0.0307	1–20	0.0300	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of September 2012.

Laricke Blanchard,

Deputy Director for Policy, Pension Benefit Guaranty Corporation.

[FR Doc. 2012–22727 Filed 9–13–12; 8:45 am]

BILLING CODE 7709–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Docket ID USN–2012–0014]

Privacy Act; Implementation

AGENCY: Department of the Navy, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: Department of the Navy is updating the Navy Privacy Act Program by adding the (k)(2) exemption to accurately describe the basis for exempting the records in the system of records notice N05800–2, Professional Responsibility Files.

This direct final rule makes non-substantive changes to the Department of the Navy's Program rules. This will improve the efficiency and effectiveness of DoD's program by ensuring the integrity of the security and investigative material compiled for law enforcement purposes by the Department of the Navy and the Department of Defense. This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: The rule will be effective on November 23, 2012 unless comments are received that would result in a contrary determination. Comments will be accepted on or before November 13, 2012.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive; East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson at 202–685–6546.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (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 these Executive orders.

Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been determined that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Public Law 96–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been determined that Privacy Act rules for the Department of Defense impose no additional information collection requirements on the public under the Paperwork Reduction Act of 1995.

Section 202, Public Law 104–4, "Unfunded Mandates Reform Act"

It has been determined that Privacy Act rules for the Department of Defense do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Part 701

Privacy.

Accordingly, 32 CFR part 701 is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

■ 1. The authority citation for 32 CFR part 701 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

Subpart G—Privacy Act Exemptions

■ 2. In § 701.128, add paragraph (x) to read as follows:

§ 701.128 Exemptions for specific Navy record systems.

* * * * *

(x) *System identifier and name:* N05800–2, Professional Responsibility Files.

(1) Exemptions: Investigatory material compiled for law enforcement purposes, may be exempt pursuant to 5 U.S.C. 552(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or which he would otherwise be eligible, as a result of maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. Any portion of this record system which falls within the provisions of 5 U.S.C. 552a(k)(2) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d)(1) through (5), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I).

(2) **Authority:** 5 U.S.C. 552a(k)(2).

(3) The reason for asserting this exemption (k)(2) is to ensure the integrity of the litigation process.

Dated: September 11, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–22673 Filed 9–13–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2012–0518]

RIN 1625–AA00

Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a portion of the Gulf Intracoastal Waterway in Choctawhatchee Bay, Santa Rosa Beach, FL. This action is necessary for the protection of persons and vessels, on navigable waters, during the construction of a subaqueous water main. Entry into or transiting in this zone will be prohibited to all vessels, mariners, and persons unless specifically authorized by the Captain of the Port Mobile or a designated representative.

DATES: This rule is effective from September 14, 2012 to October 14, 2012.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2012–0518. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email LT Lenell J. Carson, Sector Mobile, Waterways Division, U.S. Coast Guard; telephone 251–441–5940, email *Lenell.J.Carson@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR **Federal Register**
NPRM Notice of Proposed Rulemaking
GICW Gulf Intracoastal Waterway
COTP Captain of the Port
LLNR Light List Number

A. Regulatory History and Information

The Coast Guard published a NPRM in the **Federal Register** on July 10, 2012 (77 FR 40541), providing proper notice and opportunity to comment on this rule. No comments were received nor were there any requests for a public meeting.

The Coast Guard is making this rule effective less than 30 days after publication in the **Federal Register** pursuant to authority the Administrative Procedure Act (APA) (5 U.S.C. 533(d)). This provision authorizes an agency to make a rule effective less than 30 days after publication in the **Federal Register** 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(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This action is necessary for the protection of persons and vessels, on navigable waters, during the construction of a subaqueous water main that begun in June 2012. It would be contrary to public interest to delay the effective date of the rule.

B. Basis and Purpose

A 36″ subaqueous water main is being constructed across the Choctawhatchee Bay to improve water system delivery. The water main will cross the GICW, a federally maintained navigable channel. Construction of the water main and the required use of turbidity silt curtains pose significant safety hazards to both vessels and mariners operating in or near the GICW. The COTP Mobile is establishing a temporary safety zone for a portion of GICW in Choctawhatchee Bay, Santa Rosa Beach, FL. This temporary safety zone is deemed necessary to protect persons and vessels during construction of the water main across the GICW. The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones.

The COTP anticipates some impact on vessel traffic due to this regulation. However, the temporary safety zone is deemed necessary for the protection of life and property within the COTP Mobile zone.

C. Discussion of Comments, Changes and the Temporary Final Rule

There were no comments received by the Coast Guard during the NPRM process; however the regulatory text for this rule has been amended reflecting an updated effective period and anticipated closure times for the safety zone. The original effective date of August 1, 2012 to September 30, 2012 has been amended to read; September 14, 2012 to October 14, 2012. This amendment is necessary to reflect changes in the project's timeline. Also the regulatory text ''during daylight hours'' is being removed and amended to reflect more accurate closure times for the safety zone.

The Coast Guard is establishing a temporary safety zone for a portion of the GICW in Choctawhatchee Bay from the Highway 331 fixed bridge west to the Red Nun Buoy ''26'' (LLNR 31510), to include the entire width of the channel. This rule will protect the safety of life and property in this area. Entry into or transiting in this zone will be prohibited to all vessels, mariners, and persons unless specifically authorized by the COTP Mobile or a designated representative. The COTP may be contacted by telephone at (251) 441–5976.

This rule will be effective and enforceable with actual notice from September 14, 2012 to October 14, 2012. The COTP Mobile anticipates that this rule will be enforced for approximately three (3) days, to include a complete Twenty-Four (24) hour closure of the GICW. The COTP Mobile or a designated representative will inform the public through Broadcast Notices to Mariners of the specific enforcement periods throughout the water main construction project as well as any changes in the safety zone.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The temporary safety zone listed in this rule will only restrict vessel traffic from entering or transiting a small portion of the GICW. The effect of this regulation will not be significant for several reasons: (1) The COTP Mobile will issue maritime advisories widely available to users of the waterway; (2) this rule will only affect vessel traffic that are subject to transiting the GICW due to draft restrictions; and (3) the impacts on routine navigation are expected to be minimal. Notifications to the marine community will be made

through Local Notices to Mariners and Broadcast Notices to Mariners. These notifications will allow the public to plan operations around the affected area.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the affected portion of the GICW during construction of the water main. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone is limited in size, is of short duration and shallow draft vessel traffic may pass safely around the temporary safety zone.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that 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 involves a temporary safety zone for a portion of the GICW in Choctawhatchee Bay, Santa Rosa Beach, FL, for the safety of the public and is not expected to result in any significant adverse environmental impact as described in NEPA. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L.

107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0518 to read as follows:

§ 165.T08–0518 Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL.

(a) *Location.* The following area is a temporary safety zone: A portion of the Gulf Intracoastal Waterway in Choctawhatchee Bay from the Highway 331 fixed bridge west to the Red Nun Buoy ''26'' (LLNR 31510), to include the entire width of the channel.

(b) *Effective dates.* This rule is effective from September 14, 2012 to October 14, 2012.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Mobile or a designated representative.

(2) Persons or vessels not restricted to navigation in the Gulf Intracoastal Waterway by draft and that can safely do so, may pass around the zone while maintaining a safe distance and transiting at slowest safe navigational speed.

(d) *Informational Broadcasts.* The Captain of the Port or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

Dated: August 22, 2012.

D.J. Rose,

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

[FR Doc. 2012–22634 Filed 9–13–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0492; FRL–9726–6]

Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is making several determinations relating to 1997 8-hour ozone nonattainment areas in California. First, EPA is determining that six 8-hour ozone nonattainment areas in California (Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, and Sutter County) (''six CA areas'') attained the 1997 8-hour ozone national ambient air quality standard (NAAQS) by their applicable attainment dates. Second, in making these determinations for Mariposa and Tuolumne Counties and Nevada County, EPA is also granting them one-year attainment date extensions. Lastly, EPA is determining that the six CA areas and the Ventura County 8-hour ozone nonattainment area in CA have attained and continue to attain the 1997 8-hour ozone NAAQS based on the most recent three years of data. Under the provisions of EPA's ozone implementation rule, these determinations suspend the requirements for these areas to submit revisions to the state implementation plan related to attainment of the 1997 8-hour ozone standard for as long as these areas continue to meet the 1997 8-hour ozone NAAQS.

DATES: These actions are effective on November 13, 2012 without further notice, unless EPA receives adverse comment by October 15, 2012. We are publishing these rules without prior proposal because the Agency views them as noncontroversial actions and anticipates no adverse comments. In the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal should adverse comments be filed. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2011–0492 by one of the following methods:

1. Federal eRulemaking Portal, at *www.regulations.gov*, please follow the on-line instructions;

2. Email to *ungvarsky.john@epa.gov*; or

3. Mail or delivery to John Ungvarsky, Air Planning Office, AIR–2, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information you consider to be CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Air Planning Office, AIR–2, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, telephone number (415) 972–3963, or email *ungvarsky.john@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we'', ''us'' or ''our'' are used, we mean EPA. We are providing the following outline to aid in locating information in this rule.

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I. What determinations is EPA making?

EPA is making several separate and independent types of determinations with respect to a number of 1997 8-hour ozone nonattainment areas in California. First, pursuant to section 181(b)(2) of the Clean Air Act (CAA), EPA is determining that the Amador and Calaveras Counties (Central Mountain Counties), Chico (Butte County), Kern County (Eastern Kern), Mariposa and Tuolumne Counties (Southern Mountain Counties), Nevada County (Western Nevada County), and Sutter County (Sutter Buttes) 8-hour ozone nonattainment areas in California (herein referred to as the ''six CA areas'') attained the 1997 8-hour ozone NAAQS by their respective applicable attainment dates. Second, in connection with this determination, EPA is also granting, pursuant to section 181(a)(5) and 40 CFR 51.907, applications submitted by the California Air Resources Board (CARB) for extensions to the applicable attainment dates for the Southern Mountain Counties and Western Nevada County nonattainment areas.

The applicable attainment dates vary among the six CA areas. For Butte County and Sutter Buttes, EPA is determining that these areas attained the 1997 8-hour ozone standard by their applicable attainment deadline of June 15, 2007, based on complete, quality-assured, and certified ambient air quality monitoring data for 2004–2006. For the Central Mountain Counties and Eastern Kern ozone nonattainment areas, EPA is determining that they attained the 1997 8-hour ozone standard by their applicable attainment deadline of June 15, 2010, based on complete, quality-assured and certified air quality data for 2007–2009. For the Southern Mountain Counties and Western Nevada County, whose original attainment date was June 15, 2010, EPA is granting a one-year attainment date extension until June 15, 2011 and determining that these areas attained the 1997 8-hour ozone NAAQS by that extended attainment date, based on complete, quality-assured data for 2008–2010.

In addition, for all the areas listed above and for Ventura County,[1] EPA is determining, based on complete, quality-assured and certified air quality monitoring data for 2009–2011, that these areas have attained and continue to attain the 1997 8-hour ozone NAAQS. Preliminary data for 2012 indicate that these areas continue to attain the NAAQS. Under the provisions of 40 CFR 51.918, these latter determinations suspend the obligation of the State to submit certain planning requirements related to attainment for as long as the areas continue to attain the standard.

II. What is the background for these actions?

A. Ozone NAAQS

In 1997, EPA revised the health-based NAAQS for ozone, setting it at 0.08 parts per million (ppm) averaged over an 8-hour time frame. EPA set the 8-hour ozone standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone standard was set. EPA determined that the 8-hour standard would be more protective of human health, especially for children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

On March 27, 2008 (73 FR 16436), EPA promulgated a revised 8-hour ozone NAAQS of 0.075 ppm. On April 30, 2012 (77 FR 30088 and 77 FR 30160), EPA issued final rules addressing air quality designations and implementation of the 2008 8-hour ozone NAAQS. The rulemakings that are the subject of this notice concern only the 1997 8-hour ozone NAAQS and are not affected by the 2008 8-hour ozone NAAQS.

B. EPA Designations and Classifications of Ozone Nonattainment Areas

On April 30, 2004 (69 FR 23858), EPA finalized its attainment/nonattainment designations for areas across the country with respect to the 8-hour ozone standard. In that action EPA designated Butte County, the Central Mountain Counties, Eastern Kern, the Southern Mountain Counties, Sutter Buttes, and Western Nevada County as nonattainment under title I, part D, subpart 1 of the CAA (subpart 1) and provided that these designations would become effective on June 15, 2004. Also in EPA's April 30, 2004 action, Ventura County was designated nonattainment under title I, part D, subpart 2 of the CAA (subpart 2) and classified as ''moderate''.[2]

In June 2007, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) vacated the portion of the 1997 ozone implementation rule that allowed areas to be designated under subpart 1.[3] On January 16, 2009 (74 FR 2936), EPA published a proposed rule to address, among other issues, the D.C. Circuit Court vacatur of the classification system that EPA used to designate a subset of initial 1997 8-hour ozone nonattainment areas under subpart 1. In that rulemaking, EPA proposed that all areas designated nonattainment for the 1997 8-hour ozone NAAQS under subpart 1 would be classified as subpart 2 areas (hereafter referred to as the ''Subpart 1/Subpart 2 1997 8-Hour Ozone Rulemaking''). The Butte County, Central Mountain Counties, Eastern Kern, Southern Mountain Counties, Sutter Buttes, and Western Nevada County ozone nonattainment areas were among those areas that would be classified under subpart 2. On May 14, 2012 (77 FR 28424), EPA finalized the Subpart 1/Subpart 2 1997 8-Hour Ozone Rulemaking. The boundaries, resulting classifications and attainment dates for the six new subpart 2 California nonattainment areas and Ventura County are provided in Table 1.

C. One-Year Attainment Date Extensions

The 8-hour ozone implementation rule gives EPA discretion to grant up to two one-year extensions of the attainment date upon application by the state. The criteria for such a request are found in CAA section 181(a)(5) and 40 CFR 51.907. The state must show that (1) the state has complied with all requirements and commitments pertaining to the area in the applicable State Implementation Plan (SIP); and (2) no more than one exceedance of the NAAQS has occurred in the area in the year preceding the extension year.

D. Determinations of Attainment by Areas' Attainment Deadline and Determinations of Continued Attainment

Under the provisions of EPA's ozone implementation rule for the 1997 ozone

[1] Ventura County is classified as a ''serious'' nonattainment area for the 1997 8-hour ozone standard. As such, the applicable attainment date for Ventura County is June 15, 2013.

[2] On May 20, 2008 (73 FR 29073), EPA granted California's request to reclassify Ventura County from ''moderate'' to ''serious'' for the 8-hour ozone standard. As such, the applicable attainment date for Ventura County is June 15, 2013.

[3] *S. Coast Air Quality Mgmt. Dist.* v. *EPA,* 489 F.3d 1245 (D.C. Cir. 2007).

NAAQS (*see* 40 CFR 51.918), if EPA issues a determination that an area is attaining the standard (through a rulemaking that includes public notice and comment), it will suspend the area's obligations to submit an attainment demonstration and associated reasonable available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures and other planning requirements related to attainment for as long as the area continues to attain. The determination of attainment is not equivalent to a redesignation. The state must still meet the statutory requirements for redesignation in order for an area to be redesignated to attainment.

E. Ambient Air Quality Monitoring Data

A determination of whether an area's air quality meets the ozone NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in the nonattainment area and entered into the EPA Air Quality System (AQS) database. Data from air monitors operated by state/local agencies in compliance with EPA monitoring requirements must be submitted to AQS. Heads of monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of areas. *See* 40 CFR 50.10; 40 CFR part 50, appendix I; 40 CFR part 53; 40 CFR part 58, appendices A, C, D and E. All data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix I.

Under EPA regulations at 40 CFR part 50, the 1997 8-hour ozone standard is attained at a site when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations at an ozone monitor is less than or equal to 0.08 ppm. *See* 40 CFR 50.10. This 3-year average is referred to as the design value. When the design value is less than or equal to 0.084 ppm (based on the rounding convention in 40 CFR part 50, appendix I) at each monitoring site within the area, then the area is meeting the NAAQS. The data completeness requirement is met when the three-year average percent of days with valid ambient monitoring data is at least 90%, and no single year has less than 75% data completeness as determined in Appendix I of 40 CFR part 50.

III. What are the effects of these actions?

TABLE 1—NONATTAINMENT AREA CLASSIFICATIONS AND ATTAINMENT DEADLINES

Nonattainment area	Boundaries	Classification	Attainment date
Butte County	All of Butte County	Marginal	June 15, 2007.
Central Mountain Counties	All of Amador and Calaveras Counties	Moderate	June 15, 2010.
Eastern Kern	The eastern portion of Kern County [4]	Moderate	June 15, 2010.
Southern Mountain Counties	All of Mariposa and Tuolumne Counties	Moderate	June 15, 2011.[5]
Sutter Buttes	A portion of Sutter County [6]	Marginal	June 15, 2007.
Ventura County	A portion of Ventura County [7]	Serious	June 15, 2013.
Western Nevada County	The western portion of Nevada County [8]	Moderate	June 15, 2011.[9]

A. Attainment Date Extensions

Pursuant to CAA section 181(a)(5) and 40 CFR 51.907, the State has requested, and EPA is approving one-year attainment date extensions for the Southern Mountain Counties and Western Nevada County nonattainment areas. The effect of granting the attainment date extensions is to allow the State an additional year to demonstrate that the Southern Mountain Counties and Western Nevada County nonattainment areas have attained the 1997 8-hour ozone NAAQS pursuant to section 181(b)(2) of the CAA. Without the one-year extension, the State cannot demonstrate that the two areas attained 1997 8-hour ozone NAAQS by the attainment dates in 77 FR 28424.

B. Determinations of Attainment by Areas' Applicable Attainment Dates

Pursuant to section 181(b)(2) of the CAA, EPA is determining that the Butte County, Central Mountain Counties, Eastern Kern, Southern Mountain Counties, Sutter Buttes, and Western Nevada County ozone nonattainment areas attained the 1997 8-hour ozone NAAQS by their applicable attainment dates.

These determinations discharge EPA's obligations under section 181(b)(2) with respect to determining whether these areas attained by their respective attainment deadlines, and establish that these areas are not subject to reclassification for failure to attain by these deadlines.

[4] That portion of Kern County (with the exception of that portion in Hydrologic Unit Number 18090205 the Indian Wells Valley) east and south of a line described as follows: Beginning at the Kern Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern Tulare County boundary.

[5] On March 23, 2010, James Goldstene, Executive Officer of the California Air Resources Board, submitted a request for EPA to grant a one-year extension of the proposed attainment date for the Southern Mountain Counties area. The June 15, 2011 date reflects EPA's final action today to grant CARB's application for a one-year extension in the applicable attainment date for this area.

[6] That portion of the Sutter Buttes mountain range at or above 2,000 feet in elevation.

[7] That part of Ventura County excluding the Channel Islands of Anacapa and San Nicolas Islands.

[8] That portion of Western Nevada County, which lies west of a line, described as follows: beginning at the Western Nevada Placer County boundary and running north along the western boundaries of Sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Western Nevada Sierra County boundary.

[9] On May 24, 2010, James Goldstene, Executive Officer of the California Air Resources Board, submitted a request for EPA to grant a one-year extension of the proposed attainment date for the Western Nevada County area. The June 15, 2011 date reflects EPA's final action today to grant CARB's application for a one-year extension in the applicable attainment date for this area.

C. Determinations of Current Attainment and 40 CFR 51.918

In addition, EPA is separately determining that the six CA areas and Ventura County have attained the standard based upon the most recent three years of data (without reference to their attainment deadlines). Under the provisions of 40 CFR 51.918, these determinations of attainment suspend the obligation for the State to submit certain planning requirements described above; however, they do not constitute redesignations to attainment under section 107(d)(3) of the CAA. The designation status of the six CA areas and Ventura County remains nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA determines that each area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan.

In accordance with 40 CFR 51.918, based on these determinations, the obligation under the CAA for the State of California to submit an attainment demonstration and RACM, RFP plan, contingency measures, and any other planning requirements related to attainment of the 1997 8-hour ozone NAAQS for these seven ozone nonattainment areas is suspended for so long as the areas continue to attain the 1997 8-hour ozone NAAQS. Although these requirements are suspended, EPA is not precluded from acting upon these elements, if California submits them for EPA review and approval.

The suspension continues until such time, if any, that EPA (i) redesignates the area to attainment at which time those requirements no longer apply, or (ii) subsequently determines that the area has violated the 1997 8-hour ozone NAAQS. It is separate from, and does not influence or otherwise affect, any future designation determination or requirements for the area based on any new or revised ozone NAAQS. It remains in effect regardless of whether EPA designates the area as a nonattainment area for purposes of any new or revised ozone NAAQS.

If EPA subsequently determines, after notice-and-comment rulemaking, that any one of these nonattainment areas has violated the 1997 8-hour ozone NAAQS, the basis for the suspension of the requirements for that area, provided by 40 CFR 51.918, would no longer exist, and the violating ozone nonattainment area would thereafter have to address those requirements.

IV. What is EPA's analysis of the relevant air quality data?

A. Monitoring Network and Data Considerations

CARB is the governmental agency delegated under State law with the authority and responsibility for collecting ambient air quality data as directed by the CAA of 1977 and CAA Amendments of 1990. CARB and local Air Pollution Control Districts and Air Quality Management Districts (''Districts'') operate ambient monitoring stations throughout the State. CARB is the lead monitoring agency in the Primary Quality Assurance Organization [10] (PQAO) that includes all the monitoring agencies in the State with a few exceptions.[11] CARB, Butte County Air Pollution Control District (APCD), Northern Sierra Air Quality Management District (AQMD), and Ventura County APCD are the agencies responsible for monitoring ambient air quality within the seven nonattainment areas affected by today's final action. In addition, CARB oversees the quality assurance of all data collected within the CARB PQAO. CARB submits annual monitoring network plans to EPA that describe the monitoring sites CARB operates, in addition to monitoring sites operated by many smaller air districts, including Butte County APCD and Northern Sierra AQMD. Ventura County APCD submits the annual monitoring network plan for all sites in Ventura County. These plans discuss the status of the air monitoring network, as required under 40 CFR part 58.10.

Since 2007, EPA has regularly reviewed these annual plans for compliance with the applicable reporting requirements in 40 CFR part 58. With respect to ozone, EPA has found that the areas' network plans meet the applicable requirements under 40 CFR part 58. See EPA letters to CARB approving its annual network plans for years 2007, 2009, 2010, and 2011.[12] CARB did not propose modifications to their network in 2008 and therefore was not required to submit a network plan to EPA for approval.[13] EPA also concluded [14] from its Technical System Audit of the CARB PQAO (conducted during Summer 2007), that the combined ambient air monitoring network operated by CARB and the local air districts in their PQAO (which includes Butte County APCD, Northern Sierra AQMD, and Ventura County APCD) currently meets or exceeds the requirements for the minimum number of SLAMS for all criteria pollutants for the areas addressed in this action, and that all of the monitoring sites are reviewed with respect to monitoring objectives, spatial scales and other site criteria as required by 40 CFR part 58, appendix D. Also, CARB annually certifies that the data it submits to AQS are complete and quality-assured. This includes data from all CARB sites, along with some data for local district sites.[15] Northern Sierra AQMD annually certifies that the data it submits for its Grass Valley site to AQS are complete and quality-assured.[16] Ventura County APCD annually certifies that the data it submits for Ventura County to AQS are complete and quality-assured.[17] Data for

[10] Primary quality assurance organization means a monitoring organization or other organization that is responsible for a set of stations that monitor the same pollutant and for which data quality assessments can be pooled (40 CFR 58.1).

[11] The Bay Area Air Quality Management District, the South Coast Air Quality Management District, and the San Diego Air Pollution Control District are each designated as the PQAO for their respective ambient air monitoring programs.

[12] Letter from Sean Hogan, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Karen Magliano, Chief, Air Quality Data Branch, Planning and Technical Support Division, California Air Resources Board (June 9, 2008) (approving CARB's ''Annual Monitoring Network Plan for the Small Districts in California, Volume 1: June 2007''); Letter from Joe Lapka, Acting Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Karen Magliano, Chief, Air Quality Data Branch, Planning and Technical Support Division, California Air Resources Board (Nov. 24, 2009) (approving CARB's ''2009 Annual Monitoring Network Report for Small Districts in California''); Letter from Matthew Lakin, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Karen Magliano, Chief, Air Quality Data Branch, Planning and Technical Support Division, California Air Resources Board (Oct. 29, 2010) (approving CARB's ''2010 Annual Monitoring Network Plan for the Small Districts in California''); Letter from Matthew Lakin, Manager, Air Quality Analysis Office, U.S. EPA Region IX, to Karen Magliano, Chief, Air Quality Data Branch, Planning and Technical Support Division, California Air Resources Board (Nov. 1, 2011) (approving CARB's ''2011 Annual Monitoring Network Plan for the Small Districts in California'').

[13] See also EPA letters to Ventura County APCD approving its annual network plans for years 2009, 2010, and 2011.

[14] Letter from Deborah Jordan, Director, Air Division, U.S. EPA Region IX, to James Goldstene, Executive Officer, California Air Resources Board (Aug. 18, 2008) (transmitting findings of EPA's Summer 2007 Technical System Audit of CARB's ambient air monitoring program).

[15] See, e.g., letter from Karen Magliano, Chief, Air Quality Data Branch, Planning and Technical Support Division, CARB, to Jared Blumenfeld, Regional Administrator, U.S. EPA Region IX, certifying calendar year 2011 ambient air quality data and quality assurance data, May 1, 2012.

[16] See, e.g., letter from Joseph Fish, Deputy Air Pollution Control Officer, Northern Sierra AQMD, to Fletcher Clover, Regional AQS Administrator, U.S. EPA Region IX, certifying calendar year 2011 ambient air quality data and quality assurance data, February 9, 2012.

[17] See, e.g., letter from Michael Villegas, Air Pollution Control Officer, Ventura County APCD, to Jared Blumenfeld, Regional Administrator, U.S. EPA Region IX, certifying calendar year 2011 ambient air quality data and quality assurance data, April 24, 2012.

National Park Service sites, which includes the Yosemite—Turtleback Dome site, are certified by the National Park Service.[18]

There were 16 ozone SLAMS monitoring sites operating during the 2004–2011 period within the seven ozone nonattainment areas addressed in today's action. These 16 sites monitored ozone concentrations on a continuous basis [19] using ultraviolet absorption monitors. For most sites, the spatial scale and monitoring objectives are ''regional'' and ''high concentrations.'' [20] Consistent with the requirements contained in 40 CFR part 50, EPA has reviewed the complete, quality-assured, and certified 8-hour ozone ambient air monitoring data as recorded in AQS for the applicable monitoring period collected at the monitoring sites in the seven nonattainment areas.

B. Evaluation of Attainment by Applicable Attainment Date and/or Current Attainment

Based on our review of the monitoring data, and taking into account the reliability of the ozone monitoring network in the relevant CA nonattainment areas and the reliability of the data collected by the network, EPA makes the determinations presented in the following paragraphs.

1. Butte County and Sutter Buttes

Table 2 shows the ozone design values for the Butte County and Sutter Buttes ozone nonattainment area monitors, based on ambient air quality monitoring data for the three-year period (2004–2006) prior to the applicable attainment date (June 15, 2007) and for the most recent three-year period (2009–2011). The data show that the design value for the 2004–2006 period was equal to or less than 0.084 ppm at all of the monitors. Therefore, pursuant to CAA section 181(b)(2), we are determining that the Butte County and Sutter Buttes marginal nonattainment areas attained the 1997 8-hour ozone NAAQS by their applicable attainment date of June 15, 2007, based on complete, quality-assured data for the 2004–2006 ozone seasons. In addition, the data show that the design value for the 2009–2011 period was also equal to or less than 0.084 ppm at all of the monitors. Therefore, we are determining, based on the complete, quality-assured data for 2009–2011, that the Butte County and Sutter Buttes areas have attained the standard. Preliminary data available for 2012 indicate that the areas continue to attain the standard.

2. Eastern Kern and Central Mountain Counties

Table 3 shows the ozone design values for the Eastern Kern and Central Mountain Counties ozone nonattainment area monitors based on ambient air quality monitoring data for the three-year period (2007–2009) prior to the applicable attainment date (June 15, 2010) and the most recent three-year period (2009–2011). The data show that the design value for the 2007–2009 period was equal to or less than 0.084 ppm at all of the monitors. Therefore, pursuant to section 181(b)(2), we are determining that the Eastern Kern and Central Mountain Counties moderate nonattainment areas attained the 1997 8-hour ozone NAAQS by their applicable attainment deadline of June 15, 2010, based on the complete, quality-assured data for the 2007–2009 ozone seasons. In addition, the data show that the design value for the 2009–2011 period was also equal to or less than 0.084 ppm at all of the monitors. Therefore, we are determining, based on the complete, quality-assured data for 2009–2011, that the Eastern Kern and Central Mountain Counties areas have attained the 1997 8-hour ozone standard. Preliminary data available for 2012 indicate that the areas continue to attain the standard.

3. Southern Mountain Counties and Western Nevada County

Table 4 shows the fourth-highest daily maximum recorded for 2009, the ozone design values for the Southern Mountain Counties and Western Nevada County nonattainment area monitors based on 2008–2010 ambient air quality monitoring data, and the ozone design values for the most recent three-year period (2009–2011). Because the Southern Mountain Counties and Western Nevada County are classified as ''moderate'' nonattainment areas, the applicable attainment date for both areas was set as June 15, 2010. However, the air quality and other factors in these areas showed the areas were eligible, pursuant to CAA section 181(a)(5) and 40 CFR 51.907, for extensions of the applicable attainment date for these two areas from June 15, 2010 to June 15, 2011. CARB applied to EPA for these extensions by letters dated March 23, 2010 and May 24, 2010 for Southern Mountain Counties and Western Nevada County, respectively (see also footnotes 5 and 9 in table 1 of this direct final rule).

As noted previously, under CAA section 181(a)(5) and 40 CFR 51.907, upon application of a State, EPA may extend for one additional year (''extension year'') the applicable attainment date if (1) the State has complied with all requirements and commitments pertaining to the area in the applicable State Implementation Plan (SIP); and (2) no more than one exceedance of the NAAQS has occurred in the area in the year preceding the extension year. No more than two one-year extensions are allowed. We have reviewed the requests using the criteria set forth at CAA section 181(a)(5) and are approving the extensions in today's action. The basis for our approval is set forth below.

First, the fourth-highest value recorded at the monitors in each of these areas did not exceed the NAAQS during 2009, the year preceding the extension year, thereby meeting one of the two criteria. Second, EPA interprets the requirement that the State is complying with the commitments and requirements in the applicable implementation plan, as referenced in section 181(a)(5) of the CAA, to mean the State is implementing the EPA-approved SIP.[21] EPA has determined that the State is implementing the requirements in the EPA-approved SIP as applicable to these two nonattainment areas, thereby meeting the other criterion under section 181(a)(5). Therefore, because both criteria under CAA section 181(a)(5) are met in both areas, we are granting the one-year extensions for these two areas, and with the granting of one-year extensions under section 181(a)(5) for these areas, the applicable attainment date for the Southern Mountain Counties and Western Nevada County becomes June 15, 2011. With respect to this extended applicable attainment date, the data in table 4 show that the design value for the 2008–2010 period was equal to or less than 0.084 ppm at

[18] See, e.g., letter from John Ray, Air Resources Division Program Manager, National Park Service, to David Lutz, Data Certification Coordinator, U.S. EPA Office of Air Quality Policy and Standards, certifying calendar year 2011 ambient air quality data and quality assurance dated, April 29, 2012.

[19] The Jerseydale, Sutter Buttes, and White Cloud Mountain ozone monitors operate only in the warmer six months of the year. These sites are at high elevations where access during the winter can be problematic. Ozone concentrations at these sites during the winter are well below the levels of the ambient air quality standards and are not the high sites in the nonattainment areas. See California Air Resources Board, Annual Network Plan Report 27 (2010).

[20] See CARB's *Annual Network Plan Report* (July, 2011) and Ventura County APCD's *Annual Network Plan Report* (July, 2011).

[21] Memorandum from D. Kent Berry, Acting Director, EPA Air Quality Management Division to EPA Air Directors (Feb. 3, 1994) (Procedures for Processing Bump Ups and Extension Requests for Marginal Ozone Nonattainment Areas), available at *http://www.epa.gov/ttn/oarpg/t1/memoranda/o_bump.pdf.*

all of the monitors. Therefore, pursuant to section 181(b)(2), we are determining that the Southern Mountain Counties and Western Nevada County moderate nonattainment areas attained the 1997 8-hour ozone NAAQS by their applicable attainment deadlines of June 15, 2011, based on the complete, quality-assured data for the 2008–2010 ozone seasons. In addition, the data show that the design value for the 2009–2011 period was also equal to or less than 0.084 ppm at all of the monitors. Therefore, we are also determining, based on the most recent three years of complete, quality-assured data for 2009–2011, that the Southern Mountain Counties and Western Nevada County areas have attained the standard. Preliminary data available for 2012 indicate that the areas continue to attain the standard.

TABLE 2—2004–2006 AND 2009–2011 8-HOUR OZONE NONATTAINMENT AREA DESIGN VALUES (ppm) FOR THE SUTTER BUTTES AND BUTTE COUNTY NONATTAINMENT AREAS

Nonattainment area	CARB monitoring site (AQS ID #)	2004–2006		2009–2011	
		APDC (%)	DV	APDC (%)	DV
Butte County	Chico, Manzanita Avenue (060070002)	98	0.073	99	0.066
	Paradise, 4405 Airport Road (060070007)	99	0.084	99	0.077
Sutter Buttes	Sutter Buttes (061010004)	100	0.082	90	0.071

APDC: Average Percent Data Completeness; DV: Design Value.

TABLE 3—2007–2009 AND 2009–2011 8-HOUR OZONE NONATTAINMENT AREA DESIGN VALUES (PPM) FOR THE CENTRAL MOUNTAIN COUNTIES AND EASTERN KERN NONATTAINMENT AREA

Nonattainment area	CARB monitoring site (agency, AQS ID #)	2007–2009		2009–2011	
		APDC (%)	DV	APDC (%)	DV
Central Mountain Counties.	Jackson, Clinton Road (060050002)	96	0.080	98	0.071
	San Andreas, Gold Strike Road (060090001)	98	0.082	98	0.077
Eastern Kern	Mojave, 923 Poole Street (060290011)	94	0.084	92	0.080

TABLE 4—2008–2010 AND 2009–2011 8-HOUR OZONE NONATTAINMENT AREA DESIGN VALUES (PPM) AND 2009 FOURTH-HIGHEST DAILY MAXIMUM (PPM) FOR SOUTHERN MOUNTAIN COUNTIES AND WESTERN NEVADA COUNTY

Nonattainment area	Monitoring site (agency, AQS ID #)	2009		2008–2010		2009–2011	
		APDC (%)	Fourth-highest daily maximum	APDC (%)	DV	APDC (%)	DV
Western Nevada County.	Grass Valley, Litton Building (Northern Sierra AQMD, 060570005).	99	0.083	94	0.084	99	0.079
	White Cloud Mountain (CARB, 060570007).	99	0.077	98	0.081	98	0.076
Southern Mountain Counties.	Jerseydale, 644 Jerseydale (CARB, 060430006).	94	0.077	94	0.080	91	0.076
	Sonora, Barretta Street (CARB, 061090005).	98	0.077	99	0.082	98	0.074
	Yosemite, Turtleback Dome (NPS, 060430003).	97	0.078	96	0.083	97	0.077

NPS: National Park Service.

4. Ventura County

Table 5 shows the ozone design values for the Ventura County ozone nonattainment area monitors, based on ambient air quality monitoring data for the most recent three-year period (2009–2011).[22] The data show that the design value for the 2009–2011 period was equal to or less than 0.084 ppm at all of the monitors. Therefore, we are determining, based on the complete, quality-assured data for 2009–2011, that the Ventura County serious ozone nonattainment area has attained the 1997 8-hour ozone standard. Preliminary data available for 2012 indicate that the area continues to attain the standard.

[22] As noted in footnote 1 in this document, Ventura County is classified as a ''serious'' nonattainment area for the 1997 8-hour ozone standard. As such, the applicable attainment date for Ventura County is June 15, 2013.

TABLE 5—2009–2011 8-HOUR OZONE NONATTAINMENT AREA DESIGN VALUES (ppm) FOR VENTURA COUNTY

Nonattainment area	Ventura county APCD monitoring sites (AQS ID #)	2009–2011	
		APDC (%)	DV
Ventura	El Rio, Rio Mesa School #2 (061113001)	98	0.063
	Ojai, Ojai Avenue (061111004)	99	0.077
	Piru, 3301 Pacific Avenue (061110009)	99	0.077
	Simi Valley, Cochran Street (061112002)	99	0.083
	Thousand Oaks, Moorpark Road (061110007)	99	0.076

V. EPA's Final Actions

EPA is making three separate and independent types of determinations. First, pursuant to section 181(b)(2), EPA is determining that six 8-hour ozone nonattainment areas in California (Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, and Sutter County) attained the 1997 8-hour ozone NAAQS by their respective applicable attainment dates based on complete, quality-assured, and certified ambient air quality monitoring data. Second, in making these determinations for two of these areas, Mariposa and Tuolumne Counties and Nevada County, EPA is also determining that these areas qualified for one-year attainment date extensions and granting these extensions under CAA section 181(a)(5) and 40 CFR 51.907. These extensions result in an applicable attainment deadline for these areas of June 15, 2011. As a result, EPA determines that that these two areas attained by their extended attainment dates. Third, EPA is separately determining that Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, Sutter County, and Ventura County have each attained the 1997 8-hour ozone standard based on the most recent three years of complete, quality-assured, and certified data for 2009–2011. Preliminary data available for 2012 show that these areas continue to attain the standard. As provided in 40 CFR 51.918, these determinations of attainment suspend the requirements for the State of California to submit, for each of these seven ozone nonattainment areas, an attainment demonstration and associated RACM, RFP plan, contingency measures, and any other planning requirements related to attainment of the 1997 8-hour ozone NAAQS, for as long as the area continues to attain the 1997 8-hour ozone NAAQS.

We are publishing these rules without prior proposal because the Agency views them as noncontroversial actions and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal should adverse comments be filed. These actions will be effective November 13, 2012, without further notice unless the EPA receives relevant adverse comments by October 15, 2012.

If we receive such comments, then we will publish a document withdrawing the final rule affected by the comments and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. We will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 13, 2012 and no further action will be taken on the proposed rule.

VI. Statutory and Executive Order Reviews

These actions make determinations of attainment based on air quality, result in the suspension of certain federal requirements, grant attainment date extensions, and/or would not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not ''significant regulatory actions'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, these actions do not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP obligations discussed herein do not apply to Indian Tribes and thus will not impose substantial direct costs on Tribal governments or preempt Tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the

purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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 may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 30, 2012.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

■ 2. Section 52.282 is amended by adding paragraph (e) to read as follows:

§ 52.282 Control strategy and regulations: Ozone.

* * * * *

(e) *Determinations of Attainment.* Effective November 13, 2012.

(1) *Approval of applications for extensions of applicable attainment dates.* Under section 181(a)(5) of the Clean Air Act, EPA is approving the applications submitted by the California Air Resources Board dated March 23, 2010 and May 24, 2010 for extensions of the applicable attainment date for the Mariposa and Tuolumne Counties and Nevada County 8-hour ozone nonattainment areas, respectively, from June 15, 2010 to June 15, 2011.

(2) *Determinations of attainment by the applicable attainment date.* EPA has determined that the Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, and Sutter County 8-hour ozone nonattainment areas in California attained the 1997 8-hour ozone national ambient air quality standard (NAAQS) by their applicable attainment dates. The applicable attainment dates are as follows: Amador and Calaveras Counties (June 15, 2010), Chico (June 15, 2007), Kern County (June 15, 2010), Mariposa and Tuolumne Counties (June 15, 2011), Nevada County (June 15, 2011), and Sutter County (June 15, 2007).

(3) *Determination of attainment.* EPA is determining that the Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, Sutter County and Ventura County 8-hour ozone nonattainment areas have attained the 1997 8-hour ozone standard, based upon complete quality-assured data for 2009–2011. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), these determinations suspend the attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures, and other planning SIPs related to attainment for as long as the areas continue to attain the 1997 8-hour ozone standard. If EPA determines, after notice-and-comment rulemaking, that any of these areas no longer meets the 1997 ozone NAAQS, the corresponding determination of attainment for that area shall be withdrawn.

[FR Doc. 2012–22469 Filed 9–13–12; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2009–1008; FRL–9361–6]

Bifenthrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of bifenthrin in or on tea, dried; grass, forage; and grass, hay. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA). This regulation additionally establishes time-limited tolerances in or on apple, nectarine, and peach under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The time-limited tolerances expire and are revoked on December 31, 2015. Finally, this regulation removes time-limited tolerances on orchardgrass, forage and orchardgrass, hay, as they will be superseded by permanent tolerances.

DATES: This regulation is effective September 14, 2012. Objections and requests for hearings must be received on or before November 13, 2012, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–1008, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Laura Nollen, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7390; email address: *nollen.laura@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include, but are not limited to those engaged in the following activities:

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

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

You may access a frequently updated electronic version of EPA's tolerance

regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2009–1008 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before November 13, 2012. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2009–1008, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of March 19, 2010 (75 FR 13277) (FRL–8813–2), EPA issued a notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E7652) by IR–4, 500 College Road East, Suite 201W., Princeton, NJ 08540. The petition requested that 40 CFR 180.442 be amended by establishing tolerances for residues of the insecticide bifenthrin, (2-methyl [1,1′-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on tea (import tolerance) at 25 parts per million (ppm); and tolerances with regional registrations in or on grass, forage at 2.5 ppm and grass, hay at 4.5 ppm. That notice referenced a summary of the petition prepared on behalf of IR–4 by FMC Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA has revised the proposed tolerances for several commodities and revised the commodity definition for tea to tea, dried. The Agency has also revised the tolerance expression for all established commodities to be consistent with current Agency policy. The reasons for these changes are explained in Unit IV.D.

To control the brown marmorated stink bug, EPA is also establishing time-limited tolerances for the use of bifenthrin in or on apple, nectarine, and peach at 0.5 ppm. These tolerances expire and are revoked on December 31, 2015. The Agency is establishing the time-limited tolerances in response to an informal crisis exemption request under FIFRA section 18 on behalf of the states of Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia for the emergency use of bifenthrin to control the brown marmorated stink bug on these commodities.

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

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions whether bifenthrin meets FIFRA's registration requirements for use in or on apple, nectarine, and peach, or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerances serve as a basis for registration of bifenthrin by a State for Special Local Needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for persons in any State other than those listed to use this pesticide on these crops under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for bifenthrin, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

III. Aggregate Risk Assessment and Determination of Safety

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

EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue.* * *''

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

A. Toxicological Profile

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

Bifenthrin has a low order of acute toxicity via the dermal and inhalation routes of exposure and has moderate acute toxicity via the oral route. It is neither an eye nor skin irritant, and it is not a dermal sensitizer. Behavioral changes characteristic of Type I pyrethroids, such as muscle tremors, were noted in most of the bifenthrin experimental toxicology studies, consistent with its mode of action of delaying the inactivatation of voltage gated sodium channels. Additional effects seen in one or more toxicity studies for bifenthrin included muscle twitching, decreased grip strength, altered landing foot splay, depressed respiration, increased grooming counts, loss of muscle coordination, staggered gait, exaggerated hind limb flexion, and convulsions at high doses. Decreased body weight, body weight gains and food consumption were also noted in repeat-dosing dietary studies. Evidence of increased qualitative or quantitative susceptibility of offspring was not observed in any of the available guideline toxicity studies for bifenthrin.

Bifenthrin is classified as a ''possible human carcinogen'' based on an increased incidence of urinary bladder tumors in mice. However, EPA concluded that the bladder tumors may not be uncommon in mice and are not likely to be malignant. Additionally, these tumors were observed only in male mice at the highest dose tested and the incidence was of borderline significance. No evidence of carcinogenicity was observed in bifenthrin carcinogenicity studies in rats, and bifenthrin was negative in five different tests for mutagenicity but was marginally active in a forward mutation test in mouse lymphoma cells. Overall, based on the available information, there is a low concern for mutagenicity. Taking into account all of this information, the Agency has determined that quantification of risk using a non-linear approach (i.e., acute population-adjusted dose (aPAD)) will adequately account for all chronic toxicity, including carcinogenicity that could result from exposure to bifenthrin. While the Agency would typically use a chronic population-adjusted dose (cPAD) to protect for cancer concerns, use of the aPAD is protective for bifenthrin because increasing toxicity with increasing duration of exposure is not seen for bifenthrin. The no observed adverse effect level (NOAEL) observed in the mouse chronic study, in which tumors were observed, is 6.7 mg/kg/day, 2-fold higher than the points of departure (POD) used for acute risk assessment.

Specific information on the studies received and the nature of the adverse effects caused by bifenthrin as well as the dose at which the motor activity change is equal to one standard deviation (SD) from the control value (BMD_{1SD}), and the lower 95% confidence limit of the BMD value (the $BMDL_{1SD}$), resulting from the benchmark data (BMD) analysis of the toxicity studies can be found at *http://www.regulations.gov* in document, ''Bifenthrin: Human Health Risk Assessment to Support Section 3 New Uses for a Bed Bug Treatment, Grass Grown for Seed, Tolerances for Imported Tea, and a Section 18 Emergency Exemption Use on Apple, Nectarine, and Peach'' at pages 62–70 in docket ID number EPA–HQ–OPP–2009–1008.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. Typically, PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL).

Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for bifenthrin used for human risk assessment is shown in Table 1. of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BIFENTHRIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Children < 6 years old) ...	$BMDL_{1SD}$ = 3.1 mg/kg. UF_A = 10x UF_H = 10x mg/kg/day	Acute RfD = 0.031 mg/kg/day. aPAD = 0.010.	Wolansky et al. (2006) BMD_{1SD} = 4.1 mg/kg based on reductions in locomotor activity; supported by multiple guideline studies.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BIFENTHRIN FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
	FQPA SF = 3x		
Acute dietary (General population, including ≥ 6 years old).	$BMDL_{1SD}$ = 3.1 mg/kg. UF_A = 10x UF_H = 10x FQPA SF = 3x	Acute RfD = 0.031 mg/kg/day. aPAD = 0.031 mg/kg/day.	Wolansky et al. (2006) BMD_{1SD} = 4.1 mg/kg based on reductions in locomotor activity; supported by multiple guideline studies.
Chronic dietary (All populations)	Because of the rapid reversibility of the most sensitive neurotoxicity endpoint used for quantifying risks, there is no increase in hazard with increasing dosing duration. Therefore, the acute dietary endpoint is protective of the endpoints from repeat dosing studies, including chronic dietary exposures.		
Incidental oral short-term (1 to 30 days)	$BMDL_{1SD}$ = 3.1 ..... UF_A = 10x UF_H = 10x FQPA SF = 3x	Residential: < 6 years old. LOC is an MOE = 300 ≥ 6 years old, LOC is an MOE = 100.	Wolansky et al. (2006). BMD_{1SD} = 4.1 mg/kg based on reductions in locomotor activity; supported by multiple guideline studies.
Dermal short-term (1 to 30 days)	$BMDL_{10}$ = 96.3 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 3x	Residential: < 6 years old. LOC is an MOE = 300 ≥ 6 years old, LOC is an MOE = 100. Occupational: Adults, LOC is an MOE = 100.	21-day dermal study in rats. BMD_{10} = 187.0 mg/kg/day, based on exaggerated hind limb flexion.
Inhalation short-term (1 to 30 days)	$BMDL_{1SD}$ = 3.1 mg/kg. UF_A = 10x UF_H = 10x FQPA SF = 30x*	Residential: Adults LOC is an MOE = 1,000.	Wolansky et al. (2006). BMD_{1SD} = 4.1 mg/kg based on reductions in locomotor activity; supported by multiple guideline studies.
Cancer (Oral, dermal, inhalation)	Bifenthrin has been classified as a possible human carcinogen. Because of the rapid reversibility of the most sensitive neurotoxicity endpoint used for quantifying risks, there is no increase in hazard with increasing dosing duration. Therefore, the acute dietary endpoint is protective of the endpoints from repeat dosing studies, including cancer dietary exposures.		

FQPA SF = Food Quality Protection Act Safety Factor. FQPA SF is composed of the 3X factor for increased quantitative susceptibility and the 10X factor for the inhalation study data gap.

LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure.

PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). BMD = benchmark dose. SD = standard deviation. BMD_{1SD} = dose level where effect is 1 SD from control value. $BMDL_{1SD}$ = lower 95% confidence limit of the BMD value. $BMDL_{10}$ = dose which has a 10% toxicity change from the controls.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to bifenthrin, EPA considered exposure under the petitioned-for tolerances and those being established in response to the Agency issuing section 18 emergency exemptions, as well as all existing bifenthrin tolerances in 40 CFR 180.442. EPA assessed dietary exposures from bifenthrin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for bifenthrin. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA conducted a highly-refined, acute probabilistic dietary exposure and risk assessment for all established food uses as well as the petitioned for tolerances and the section 18 time-limited tolerances. Anticipated residues (ARs) were developed based on the following: USDA's Pesticide Data Program (PDP) monitoring data from 1998–2010 for bell pepper, blueberry, broccoli, cabbage, cauliflower, cilantro, cranberry, cucumber, egg, eggplant, grape, grapefruit, orange, orange juice, lettuce, pear, cantaloupe, winter squash, spinach—canned, succulent bean, strawberry, sweet corn, sweet peas,

tomato, watermelon and milk; the Food and Drug Administration (FDA) 2002 data for blackberry and raspberry; and field trial data for bifenthrin. ARs were further refined using percent crop treated (PCT) data and processing factors, where appropriate.

Additionally, the uses proposed under the section 18 emergency exemption program have use patterns that are similar to the registered use on pear. Therefore, the Agency relied on PDP data for pears, including for baby food and canned products, when assessing anticipated residues on peach, nectarine, and apple. EPA believes the use of PDP data for pears is appropriate, as bifenthrin residues are found mainly on the fruit surface and residues on peach, nectarine, and apple are expected to be similar to those found on pear.

ii. *Chronic exposure.* Based on the data summarized in Unit III.A., there is no increase in hazard from repeated exposures to bifenthrin; the acute dietary exposure assessment is protective for chronic dietary exposures because acute exposure levels are higher than chronic exposure levels. Accordingly, a dietary exposure assessment for the purpose of assessing chronic dietary risk was not conducted.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. Cancer risk is quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., the Agency has determined that quantification of risk using a non-linear approach (i.e., aPAD) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to bifenthrin. Additionally, since the cancer dietary assessment assumed average residue levels and the acute assessment used high-end residue levels, the acute dietary assessment will be protective of any cancer effects resulting from consumption of bifenthrin residues in foods.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows:

Alfalfa, 1%; almond, 25%; artichoke, 30%; beans, green, 50%; broccoli, 6%; cabbage, 30%; caneberries, 45%; canola/rapeseed, 3%; cantaloupe, 60%; carrots 10%; cauliflower, 10%; celery, 1%; corn, 5%; cotton, 10%; cucumbers, 15%; dry beans and peas, 1%; grape, table, 1%; grape, wine, 5%; honeydew, 75%; hazelnut (filberts), 5%; lettuce, 15%; onion, 1%; lima bean, 35%; peanut, 5%; pea, green, 25%; pear, 4%; pecan, 5%; pepper, 20%; pistachio, 40%; potato, 5%; pumpkin, 40%; sorghum, 1%; soybean, 5%; squash, 20%; strawberry, 55%; sweet corn, 50%; tomato, 20%; walnut, 25%; watermelon, 15%; wheat, spring, 1%; and wheat, winter, 1%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency estimated the PCT for the new uses associated with the time-limited tolerances as follows:

Apple, 10%; nectarine, 3%; and peach, 7%.

Bifenthrin is being considered for use on apple, nectarine, and peach in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia to control the brown marmorated stink bug under FIFRA section 18, which allows for the emergency use of a pesticide on a site for which it is not registered.

The Agency conservatively estimated that 100 percent of the crops in these states will be treated with bifenthrin and calculated the national PCT given the share of utilized production or grown acreage from the seven states likely to seek the use of bifenthrin.

EPA used data from 2010 USDA/NASS for apples and peaches. Data on the most recent survey years, 2007–2009, were used to derive the needed PCT estimates. The sum of the utilized production in these states was divided by the total domestic utilized production and multiplied by 100 to determine the PCT for each of the crops for each of the named years.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations, including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's

exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which bifenthrin may be applied in a particular area.

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

Based on the First Index Reservoir Screening Tool (FIRST), Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS), and Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of bifenthrin for acute exposures are estimated to be 0.0140 parts per billion (ppb) for surface water and 0.0030 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 0.0140 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Bifenthrin is currently registered for several uses that could result in residential exposures: In indoor residential/household premises as a crack and crevice spray, paint additive and as a dust, in or on automobiles/recreational vehicles, and for termite treatments. Residential exposure is also anticipated from a pending registration for bed bug treatment use, including surface-directed application to indoor surfaces. Outdoor residential uses of bifenthrin include broadcast and spot treatments to residential lawns and turf; golf course turf and outdoor premises by means of liquid spray and granular products; and ornamental uses (turf, shrubs, vines, trees, ground cover). EPA assessed residential handler and post-application exposures for the existing and proposed bed bug uses of bifenthrin.

The Agency combines risk values resulting from separate routes of exposure when it is likely they can occur simultaneously based on the use pattern and the behavior associated with the exposed population, and if the hazard associated with the points of departure is similar across routes. A common toxicological endpoint, neurotoxicity, exists for dermal, incidental oral, and inhalation routes of exposure to bifenthrin. Therefore, these were combined for all residential exposure scenarios assessed.

Of the proposed and established uses with potential residential handler and post-application exposure, the following high-end risk estimates were selected for use in the bifenthrin short-term aggregate assessment: Combined dermal and inhalation exposures to adults from the outdoor ornamental use and combined dermal and incidental oral exposures to children from contact with treated turf.

Residential handler and post-application exposure scenarios are generally not combined. Although the potential exists for the same individual (i.e., adult) to apply a pesticide around the home and be exposed by re-entering a treated area in the same day, this is an unlikely exposure scenario. Combining these exposure scenarios would also be inappropriate because of the conservative nature of each individual assessment.

EPA did not assess intermediate-term and chronic residential exposures because bifenthrin is acutely toxic and does not increase in potency with repeated dosing. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

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

The Agency is required to consider the cumulative risks of chemicals sharing a common mechanism of toxicity. The Agency has determined that the pyrethroids and pyrethrins, including bifenthrin, share a common mechanism of toxicity. The members of this group share the ability to interact with voltage-gated sodium channels, ultimately leading to neurotoxicity. The cumulative risk assessment for the pyrethroids/pyrethrins was published in the **Federal Register** on November 9, 2011 (76 FR 69726) (FRL–8888–9), and is available at *http://www.regulations.gov* in the public docket, EPA–HQ–OPP–2011–0746. Further information about the determination that pyrethroids and pyrethrins share a common mechanism of toxicity may be found in document ID number: EPA–HQ–OPP–2008–0489–0006.

The Agency has conducted a quantitative analysis of the proposed bifenthrin bed bug use and has determined that it will not contribute significantly or change the overall findings presented in the pyrethroid cumulative risk assessment. This analysis is summarized in the document: ''Bifenthrin: Human Health Risk Assessment to Support Section 3 New Uses for a Bed Bug Treatment, Grass Grown for Seed, Tolerances for Imported Tea, and a Section 18 Emergency Exemption Use on Apple, Nectarine, and Peach'' at pages 78–81 in docket ID number EPA–HQ–OPP–2009–1008. Further, the proposed food uses of bifenthrin will not contribute significantly or change the overall findings in the pyrethroid cumulative risk assessment, as the dietary risks are a minor component of total pyrethroid cumulative risk. For information regarding EPA's efforts to evaluate the risk of exposure to pyrethroids, refer to *http://www.epa.gov/oppsrrd1/reevaluation/pyrethroids-pyrethrins.html.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The bifenthrin toxicity database includes developmental toxicity studies in rats and rabbits, a 2-generation reproduction study in rats, and a

developmental neurotoxicity (DNT) study in rats. Bifenthrin is neither a developmental nor a reproductive toxicant. In the developmental toxicity studies in rat and rabbit, no developmental effects of biological significance were noted in either species in the presence of maternal toxicity. In a 2-generation reproduction study in the rat, tremors were noted only in females of both generations with one parental generation rat observed to have clonic convulsions.

There are several *in vitro* and *in vivo* studies that indicate pharmacodynamic contributions to pyrethroid toxicity are not age-dependent. A study of the toxicity database for pyrethroid chemicals also noted no residual uncertainties regarding age-related sensitivities for the young, based on the absence of prenatal sensitivity observed in 76 guideline studies for 24 pyrethroids and the scientific literature. However, high-dose studies at LD_{50} doses noted that younger animals were more susceptible to the toxicity of pyrethroids. These age-related differences in toxicity are principally due to age-dependent pharmacokinetics; the activity of enzymes associated with the metabolism of pyrethroids increases with age. Nonetheless, the typical environmental exposures to pyrethroids are not expected to overwhelm the clearance capacity in juveniles. In support, at a dose of 4.0 mg/kg deltamethrin (near the Wolansky study LOAEL value of 3.0 mg/kg for deltamethrin), the change in the acoustic startle response was similar between adult and young rats.

3. *Conclusion.* Given different levels of uncertainty for various risk assessment scenarios, EPA is applying different FQPA safety factors for the protection of fetuses, infants, and children depending on the route of exposure and the population exposed. For non-inhalation exposure scenarios for adults (including women of child-bearing age) and children greater than 6 years of age, EPA is reducing the FQPA safety factor to 1X. For non-inhalation exposure scenarios for infants and children less than six years of age, EPA is reducing the FQPA safety factor to 3X. Finally, for inhalation exposure scenarios for all population groups, EPA is also retaining a 10X FQPA safety factor. Because the 3X factor for infants and children less than six years of age and the 10X factor for inhalation exposure scenarios are in response to different uncertainties, these safety factors have been combined for inhalation exposure scenarios for infants and children less than six years of age resulting in a FQPA safety factor of 30X. That decision on the various levels of the FQPA safety factor is based on the following considerations:

i. The toxicity database for bifenthrin is not complete. EPA lacks additional data on immunotoxicity, inhalation toxicity, and adult-juvenile sensitivity. Recent changes to 40 CFR part 158 imposed new data requirements for immunotoxicity testing (OCSPP Guideline 870.7800) for pesticide registration. The toxicology database for bifenthrin does not show any evidence of treatment-related effects on the immune system, and the overall weight-of-evidence suggests that this chemical does not directly target the immune system. Therefore, the Agency does not believe that conducting a functional immunotoxicity study will result in a lower POD than that currently in use for overall risk assessment, and additional safety factors are not needed to account for a lack of this study. EPA is requiring an inhalation toxicity study for bifenthrin because inhalation data for other pyrethroids show the potential for the inhalation route to be more potent than the oral route. Currently, the POD for inhalation risk assessment scenarios is based on an oral toxicity study. Reliance on an oral study raises uncertainty as to whether the standard safety factors are protective of infants and children. Finally, in light of the literature studies indicating a possibility of increased sensitivity to bifenthrin in juvenile rats at high doses, EPA has also requested proposals for study protocols which could identify and quantify bifenthrin's potential juvenile sensitivity. For the reasons discussed in Unit III.D.3.ii., the uncertainty regarding the protectiveness of the intraspecies uncertainty factor raised by the literature studies and the absence of the requested data warrant application of an additional 3X for risk assessments for infants and children under six years of age.

ii. There is no evidence that bifenthrin results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study. This is consistent with the results of the guideline pre- and post-natal testing for other pyrethroid pesticides. There are, however, high dose LD_{50} studies (studies assessing what dose results in lethality to 50 percent of the tested population) in the scientific literature indicating that pyrethroids can result in increased quantitative sensitivity in the young. Examination of pharmacokinetic and pharmacodynamic data indicates that the sensitivity observed at high doses is related to pyrethroid age-dependent pharmacokinetics—the activity of enzymes associated with the metabolism of pyrethroids. Predictive pharmacokinetic models indicate that the differential adult-juvenile pharmacokinetics will result in otherwise equivalent administered doses for adults and juveniles producing a 3X greater dose at the target organ in juveniles compared to adults. No evidence of increased quantitative or qualitative susceptibility was seen in the pyrethroid scientific literature related to pharmacodynamics (the effect of pyrethroids at the target tissue) both with regard to inter-species differences between rats and humans and to differences between juveniles and adults. Specifically, there are *in vitro* pharmacodynamic data and *in vivo* data indicating similar responses between adult and juvenile rats at low doses and data indicating that the rat is a conservative model compared to the human based on species-specific pharmacodynamics of homologous sodium channel isoforms in rats and humans.

In light of the high dose literature studies showing juvenile sensitivity to pyrethroids and the absence of the requested data on juvenile sensitivity to pyrethroids, EPA is retaining a 3X additional safety factor as estimated by pharmacokinetic modeling. For several reasons, EPA concludes there are reliable data showing that a 3X factor is protective of the safety of infants and children. First, the high doses that produced juvenile sensitivity in the literature studies are well above normal dietary or residential exposure levels of pyrethroids to juveniles and these lower levels of exposure are not expected to overwhelm the ability metabolize pyrethroids as occurred with the high doses used in the literature studies. This is confirmed by the lack of a finding of increased sensitivity in pre- and post-natal guideline studies in any pyrethroid, including bifenthrin, despite the relatively high doses used in those studies. Second, the portions of both the inter- and intraspecies uncertainty factors that account for potential pharmacodynamic differences (generally considered to be approximately 3X for each factor) are likely to overstate the risk of inter- and intraspecies pharmacodynamic differences given the data showing similarities in pharmacodynamics between juveniles and adults and between humans and rats. Finally, as indicated, pharmacokinetic modeling only predicts a 3X difference between juveniles and adults.

iii. There are no residual uncertainties identified in the bifenthrin databases

with regard to dietary (food and drinking water), and residential exposures. Although the acute dietary exposure estimates are refined, as described in Unit III.C.1.i., the exposure estimates will not underestimate risk for the established and proposed uses of bifenthrin since the residue levels used are based on either monitoring data reflecting actual residues found in the food supply, or on high-end residues from field trials which reflect the use patterns which would result in highest residues in foods. Furthermore, processing factors used were either those measured in processing studies, or default high-end factors representing the maximum concentration of residue into a processed commodity. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to bifenthrin in drinking water. Further, postapplication exposure of children and incidental oral exposure of toddlers are based on conservative, health-protective assumptions that also ensure exposures are not underestimated. These assessments will not underestimate the exposure and risks posed by bifenthrin.

Further information about the reevaluation of the FQPA safety factor for pyrethroids may be found in document ID number: EPA–HQ–OPP–2011–0746–0011.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* Using the assumptions discussed in this unit for acute exposure, at the 99.9th percentile of exposure the acute dietary exposure from food and water to bifenthrin will occupy 5% of the aPAD for the general U.S. population and 29% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Based on the data summarized in Unit III.A., there is no increase in hazard with increasing dosing duration. Furthermore, chronic dietary exposures will be lower than acute exposures. Therefore, the acute aggregate assessment is protective of potential chronic aggregate exposures.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Bifenthrin is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to bifenthrin.

For children 1–2 years old, the most highly exposed children's subgroup, using the exposure assumptions described in this unit for short-term exposures, EPA has concluded that the combined short-term food, water, and residential exposures result in an aggregate MOE of 330. Because EPA's level of concern for bifenthrin is a MOE of 300 or below, this MOE is not of concern.

For adults, although the short-term dermal and inhalation risks were estimated using the same oral POD, these exposure estimates could not be directly combined for the adult short-term exposure assessment because the LOCs for dermal and inhalation routes of exposure are not the same (an MOE of < 100 defines the LOC for dermal exposure while inhalation risk is defined by an MOE of < 1,000). Accordingly an aggregate risk index (ARI) was required to estimate aggregate risk for adults. EPA identifies an ARI at or below one as a risk estimate of concern. The short-term aggregate ARI for adults is 2.0. An ARI greater than 1 indicates risks that are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term aggregate risk assessment was not conducted because bifenthrin is acutely toxic and does not increase in potency with repeated dosing. Because the neurotoxicity POD used for acute risk assessment is lower (more protective) than PODs for longer durations of exposure and acute and short-term exposure levels are higher than longer term exposure levels, the acute and short-term aggregate assessments are protective for intermediate-term aggregate risks anticipated from bifenthrin exposure.

5. *Aggregate cancer risk for U.S. population.* For the reasons discussed in Unit III.A. (cancer effects are non-linear and appear at higher doses than acute effects) and Unit III.E.2. (chronic exposures are lower than acute exposures), the acute aggregate assessment is protective of potential cancer risk.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate method, utilizing gas chromatography with electron capture detection (GC/ECD), is available to enforce the proposed tolerances for plant commodities.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

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

The Codex has not established an MRL for bifenthrin. However, Codex has proposed a 30 ppm MRL for green and black tea (fermented and dried). The United States has recommended a tolerance on tea, dried at 30 ppm in order to harmonize with the proposed Codex MRL.

C. Response to Comments

EPA received one comment to the notice of filing that stated, in part, that no residue should be allowed for bifenthrin. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing

legal framework provided by section 408 of the FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework.

D. Revisions to Petitioned-for Tolerances

Based on the data supporting the petitions, EPA revised the proposed tolerance on grass, forage from 2.5 ppm to 4.0 ppm; and grass, hay from 4.5 ppm to 15 ppm. The Agency revised these tolerance levels based on analysis of the residue field trial data using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures. Additionally, EPA revised the proposed tolerance on tea from 25 ppm to 30 ppm, in order to harmonize with the proposed Codex MRL associated with the commodity. EPA also revised the proposed commodity definition for tea to tea, dried in order to reflect the correct commodity nomenclature.

Finally, the Agency has revised the tolerance expression to clarify (1) that, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of bifenthrin not specifically mentioned; and (2) that compliance with the specified tolerance levels is to be determined by measuring only the specific compounds mentioned in the tolerance expression.

V. Conclusion

Therefore, tolerances are established for residues of bifenthrin, (2-methyl [1,1′-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate, in or on grass, forage at 4.0 ppm; grass, hay at 15 ppm; and tea, dried at 30 ppm. This regulation additionally establishes time-limited tolerances for residues of bifenthrin in or on apple, nectarine, and peach at 0.5 ppm. Finally, this regulation removes time-limited tolerances in or on orchardgrass, forage at 2.5 ppm; and orchardgrass, hay at 4.5 ppm.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. *et seq.*).

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

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: September 10, 2012.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.442:
■ a. Revise paragraph (a)(1) introductory text.
■ b. Add alphabetically the commodity to the table in paragraph (a)(1).
■ c. Revise the footnote to the table in paragraph (a)(1).
■ d. Revise paragraph (b).
■ e. Revise paragraph (c).

The revisions and addition read as follows:

§ 180.442 Bifenthrin; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the insecticide bifenthrin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only bifenthrin, (2-methyl [1,1′-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate.

Commodity	Parts per million
* * * * *	
Tea, dried [1]	30
* * * * *	

[1] There are no U.S. registrations.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the insecticide bifenthrin, including its metabolites and degradates, in connection with use of the pesticide under a Section 18 emergency exemption granted by EPA. Compliance with the tolerance levels specified below is to be determined by measuring only bifenthrin, (2-methyl [1,1′-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate. These tolerances will expire and are revoked on the dates specified in the following table:

Commodity	Parts per million	Expiration/ revocation date
Apple	0.5	12/31/2015
Nectarine	0.5	12/31/2015
Peach	0.5	12/31/2015

(c) *Tolerances with regional registrations.* Tolerances with regional registrations are established for residues of the insecticide bifenthrin, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only bifenthrin, (2-methyl [1,1′-biphenyl]-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate.

Commodity	Parts per million
Grass, forage	4.0
Grass, hay	15

* * * * *

[FR Doc. 2012–22772 Filed 9–13–12; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 120628195–2414–02]

RIN 0648–XC089

Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2012–13

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

ACTION: Final specifications.

SUMMARY: In this rule, NMFS specifies a quota of 325,000 lb of Deep 7 bottomfish in the main Hawaiian Islands for the 2012–13 fishing year, based on an annual catch limit of 346,000 lb. The action supports the long-term sustainability of Hawaii bottomfish.

DATES: The final specifications are effective October 15, 2012 through August 31, 2013, unless NMFS publishes a document in the **Federal Register** superseding these specifications.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–944–2108.

SUPPLEMENTARY INFORMATION: On August 2, 2012, NMFS published proposed specifications that are finalized here, and a request for public comments (77 FR 46014). Additional background information on this action is found in the preamble to the proposed specifications, and is not repeated here.

Through this action, NMFS is specifying a quota (annual catch target, ACT) of 325,000 lb of Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2012–13 fishing year, based on an annual catch limit (ACL) of 346,000 lb. The MHI Management Subarea is the portion of U.S. Exclusive Economic Zone around the Hawaiian Archipelago lying to the east of 161° 20′ W. longitude. The Deep 7 bottomfish are onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Epinephelus quernus*). The Council recommended the quota and ACL based on the best available scientific, commercial, and other information, taking into account the associated risk of overfishing.

The MHI bottomfish fishing year starts September 1, 2012. NMFS will monitor the fishery, and if the is quota is projected to be reached before August 31, 2013, NMFS will close the non-commercial and commercial fisheries for Deep 7 bottomfish in Federal waters through August 31, 2013. During a fishery closure for Deep 7 bottomfish, no person may fish for, possess, or sell any of these fish in the MHI, except as otherwise authorized by law (specifically, vessels with valid Pacific Remote Island Areas bottomfish fishing permits are not affected by the closure). There is no prohibition on fishing for or selling other non-Deep 7 bottomfish species throughout the year. All other management measures continue to apply in the MHI bottomfish fishery.

Comments and Responses

The comment period for the proposed specifications ended on August 17, 2012. NMFS received comments and responds as follows:

Comment 1: The annual catch limit is a management tool that will ensure fish stocks for future generations to come.

Response: NMFS agrees. Federal law requires NMFS and the Council to manage fisheries using annual catch limits. NMFS and the Council developed the annual catch limit using the best available scientific and commercial information and in consideration of scientific uncertainty and social and economic factors. The use of an annual catch limit, annual catch target and accountability measure will help prevent overfishing and ensure sustainable, long-term catches for fishermen.

Comment 2: The combination of measures to prevent overfishing by the Federal government (through ACL and AM), and by the State of Hawaii (through spatial restrictions, or bottomfish restricted fishing areas) are duplicative, disadvantaging certain fishing communities, and NMFS should remove the bottomfish restricted fishing areas, or at least those in Federal waters.

Response: While the State and Federal bottomfish regulations may appear to be duplicative, they are not. In 1998, the State of Hawaii established by administrative rule the bottomfish restricted fishing areas. At that time, in the absence of Federal regulations these areas were intended specifically to prevent overfishing. Some of the restricted areas were located in Federal waters. The Council and NMFS recognized that the administration and enforcement of these areas were and continue to be, the responsibility of the State, and any change to the management of the bottomfish restricted fishing areas is the purview of the State.

The Council subsequently (in 2008) developed, and NMFS implemented, the first Hawaii bottomfish quota system. The Federal quota measures complement, but do not duplicate, State restricted area measures. The combined State and Federal bottomfish management programs include a mix of minimum fish sizes, non-commercial bag limits, restricted fishing areas, catch limits, gear restrictions, permits and

logbooks reporting, and other measures, none of which duplicates the others.

The Council may review its management program, as recommended to and implemented by NMFS, to gauge the overall effectiveness in achieving the objectives of the Hawaii fishery ecosystem plan, including whether or not the two programs working in concert are preventing overfishing and achieving optimum yield on a continuing basis. Mindful that the Magnuson-Stevens Act requires that all federally-managed U.S. fisheries be governed under a system of annual catch limits, if the Council finds that other parts of its Federal management program are superfluous in light of existing State measures, or that Federal programs are disadvantaging fishermen, it may recommend changes to the Federal requirements. Any changes to the Federal program would be coordinated with the State of Hawaii.

Comment 3: NMFS must consider the State's bottomfish restricted fishing areas and affiliated bottomfish resources when conducting bottomfish stock assessments and specifying annual catch limits.

Response: NMFS agrees, but information is not currently available about the conservation effects of the State's bottomfish restricted areas. The analyses in the most recent (2010) MHI Deep 7 bottomfish stock assessment, on which the annual catch limit and catch target are based, do not consider the impacts of the restricted areas. Rather, the assessment treats the main Hawaiian Islands as a single fishing area with no spatial restrictions. Until the State and NMFS can quantify the benefits of the bottomfish restricted fishing areas, stock assessments will likely continue to treat the main Hawaiian Islands as a single fishing area with no spatial restrictions. NMFS and the Council will continue to work with the State to obtain accurate information needed for stock assessments, including data on bottomfish distribution, relative abundance, stock structure, size and age composition, and other biological characteristics, both within and outside the bottomfish restricted fishing areas.

Comment 4: Bottomfish camera bait stations (''BotCam'') may not provide a true picture of the bottomfish stock because, while bottomfish may be attracted initially to the BotCam, once predators such as amberjacks and sharks arrive, bottomfish leave the area.

Response: A wide range of survey and sampling methods provide scientists and managers with multiple sources of information on which to base stock assessments. NMFS developed the BotCam as a cost-effective and non-fishing method to assess and monitor bottomfish (and other commercially important deepwater species). NMFS recognizes that this technology has both advantages and shortcomings compared to other data collection methods, and because BotCam surveys are still being conducted, NMFS has not fully evaluated the data obtained from these surveys for use in bottomfish stock assessments.

Comment 5: The most accurate way to get a true picture of the bottomfish stock is to open the bottomfish restricted fishing areas, and analyze the fish catch reports.

Response: The State of Hawaii, which governs and administers the bottomfish restricted fishing areas, has begun fishery-dependent studies in some bottomfish restricted fishing areas that may provide information, as suggested by the commenter.

Comment 6: Another option to help perpetuate the various Deep 7 bottomfish species is to increase the weight minimum for legal sale.

Response: Generally, minimum sizes (length or weight) are set at the level associated with the onset of maturity and are intended to provide individual fish with an opportunity to reproduce before being caught and kept. Current Federal regulations do not contain minimum sizes for sale of Deep 7 bottomfish. However, the State has implemented a minimum sales weight of one pound for onaga (*Etelis carbunculus*) and opakapaka (*Pristipomoides filamentosus*); changes to these limits would be the purview of the State. NMFS will continue to work with the Council to review available scientific information and evaluate whether additional conservation and management measures, including size limits, are needed to meet the objectives of the plan.

Changes From the Proposed Specifications

There are no changes in the final specifications.

Classification

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of MHI bottomfish, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed specification stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for certification in the proposed specifications, and does not repeat it here. NMFS did not receive comments regarding this certification. As a result, a final regulatory flexibility analysis is not required, and none was prepared.

This action is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 11, 2012.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2012–22736 Filed 9–13–12; 8:45 am]

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Proposed Rules

Federal Register
Vol. 77, No. 179
Friday, September 14, 2012

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

[Docket Nos. PRM–30–65; NRC–2011–0134]

Petition for Rulemaking Submitted by Annette User on Behalf of GE Osmonics, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; consideration in the rulemaking process.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider the issue raised in the petition for rulemaking (PRM) submitted by Annette User, on behalf of GE Osmonics, Inc. (GE or the petitioner), in the rulemaking process. The petitioner requests that the NRC amend its regulations regarding the commercial distribution of byproduct material to allow recipients of exempt quantities of polymer (polycarbonate or polyester) track etch (PCTE) membranes that have been irradiated with mixed fission products (MFP) to commercially redistribute the material without a license. In its review of the PRM, the NRC concluded that the petitioner raised a valid issue concerning regulatory control of the commercial distribution of PCTE membranes that the NRC will consider in its rulemaking process.

DATES: The docket for the petition for rulemaking, PRM–30–65, is closed on September 14, 2012.

ADDRESSES: Further NRC action on the issue raised by this petition can be found on the Federal rulemaking Web site at *http://www.regulations.gov.*

You can access publicly available documents related to the petition, which the NRC possesses and are publicly available, using any of the following methods:

- Federal e-Rulemaking Web site: Public comments and supporting materials related to this petition can be found at *http://www.regulations.gov* by searching on the petition docket ID for PRM–30–65 or NRC–2011–0134. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668, email: *Carol.Gallagher@nrc.gov.*
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: The public may examine, and have copied for a fee, publicly available documents at the NRC's PDR, Room O–1F21, 11555 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0253; email: *Edward.Lohr@nrc.gov.*

SUPPLEMENTARY INFORMATION:

The Petition

On April 20, 2011, the NRC received a PRM, filed by Annette User on behalf of GE Osmonics, Inc. (ADAMS Accession No. ML120250133). The petitioner requests that the NRC amend its regulations in parts 30 and 33 of Title 10 of the *Code of Federal Regulations* (10 CFR), specifically 10 CFR 30.18, ''Exempt quantities,'' to allow commercial distribution and redistribution of PCTE membranes that have been irradiated with MFPs and are represented by the petitioner to contain such MFPs in quantities below the exempt quantity limits for byproduct material as identified in 10 CFR 30.71, Schedule B. On June 22, 2011 (76 FR 36386), the NRC published a notice of receipt and request for comment for the PRM.

Until February 2010, GE transferred the PCTE membranes to two GE redistribution facilities located in Westborough, Massachusetts and Minnetonka, Minnesota. During GE's Texas license renewal process, the Texas Department of State Health Services advised GE that it could no longer transfer the PCTE membranes to those two facilities for commercial distribution without an exempt distribution license from the NRC. In April 2011, GE submitted such a license application to the NRC and a petition for rulemaking that was docketed as PRM–30–65. The license application was returned to GE in June 2011, with no action taken because the NRC's current regulations do not allow exempt distribution of the PCTE membranes.

The petition states that PCTE membranes are used in a wide variety of research, medical, academic, scientific, and industrial applications. In particular, PCTE membranes are used in pharmaceutical, medical device, and water filtration applications. The petitioner believes that the requested amendments are necessary to allow distribution of the PCTE membranes to the full range of its customers.

Public Comments on the Petition

The notice of receipt of the PRM invited interested persons to submit comments. The comment period closed on September 6, 2011. The NRC received one comment letter (ADAMS Accession No. ML1178A021) from a member of the public opposing the PRM, stating that the current regulations do not place an unfair burden on the petitioner and have been in place for some time.

The commenter's observation that the regulations do not place an unfair burden on the petitioner is consistent with the current regulations, which provide for an amendment process to add or subtract exempt materials or products such as those in 10 CFR 30.15. However, the NRC believes that the petitioner raised a valid concern that may warrant a regulatory solution that has not been specifically identified but could be accomplished through an amendment of the regulations.

Reasons for Consideration

The NRC will consider the issue raised in the PRM in its rulemaking process because, based on the information GE has provided to date, the NRC believes that the issue may be resolved through the rulemaking process. However, due to current resource constraints, the NRC will not

be able to give the future rulemaking a high priority but will strive to complete it as resources are available.

Although the petitioner requests the NRC to amend 10 CFR 30.18, the proposed amendment to the exempt quantities regulation may not be the best solution to resolve the issue raised in the petition. In the rulemaking process, the NRC will attempt to develop a technical basis to support an appropriate proposed rulemaking that would address the issue raised in the petition. If a technical basis to support a rulemaking cannot be developed, the issue will not be further considered by the NRC.

The NRC tracks all rulemaking actions on its Web site at *http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/* and on the Federal rulemaking Web site, *http://www.regulations.gov.* The Regulations.gov Web site allows users to receive notifications when documents are added to a docket. To monitor further NRC action on the issue raised in PRM–30–65, register for notification under docket ID NRC–2011–0134. In addition, the NRC publishes a Unified Agenda, which is a semiannual compilation of all rules on which the NRC has recently completed action, has proposed action, or is considering action. The Unified Agenda may be found on the NRC's rulemaking Web site at *http://www.nrc.gov/about-nrc/regulatory/rulemaking.html.* As in all rulemakings, the NRC will solicit and consider public comments during the proposed rule phase of the rulemaking before determining the approach that will be the basis for the final rule.

For the reasons cited in this document, the NRC will consider this petition as part of its rulemaking process.

Dated at Rockville, Maryland, this 23rd day of August, 2012.

For the Nuclear Regulatory Commission.

R.W. Borchardt,

Executive Director for Operations.

[FR Doc. 2012–22699 Filed 9–13–12; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0416; Directorate Identifier 2012–NE–13–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Canada Corp. Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to all Pratt & Whitney Canada Corp. (P&WC) PW118, PW118A, PW118B, PW119B, PW119C, PW120, PW120A, PW121, PW121A, PW123, PW123B, PW123C, PW123D, PW123E, PW123AF, PW124B, PW125B, PW126A, PW127, PW127E, PW127F, PW127G, and PW127M turboprop engines. The existing AD currently requires initial and repetitive inspections of certain serial numbers (S/Ns) of propeller shafts for cracks and removal from service if found cracked. Since we issued that AD, we determined the need to add a mandatory terminating action for the repetitive inspections. This proposed AD would require initial and repetitive inspections of certain S/Ns of propeller shafts for cracks and removal from service if found cracked, and would require removal from service of affected propeller shafts as mandatory terminating action to the repetitive inspections. We are proposing this AD to detect propeller shaft cracks, which could cause failure of the shaft, propeller release, and loss of control of the airplane.

DATES: We must receive comments on this proposed AD by November 13, 2012.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Web site: *www.pwc.ca*. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: *james.lawrence@faa.gov;* phone: 781–238–7176; fax: 781–238–7199.

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–2012–0416; Directorate Identifier 2012–NE–13–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 May 31, 2012, we issued AD 2012–11–14, Amendment 39–17078 (77 FR 39624, July 5, 2012), for all P&WC PW118, PW118A, PW118B, PW119B, PW119C, PW120, PW120A, PW121, PW121A, PW123, PW123B, PW123C, PW123D, PW123E, PW123AF, PW124B, PW125B, PW126A, PW127, PW127E,

PW127F, PW127G, and PW127M turboprop engines. That AD requires initial and repetitive inspections of certain S/Ns of propeller shafts for cracks and removal from service if found cracked. That AD resulted from reports of two propeller shafts found cracked at time of inspection during maintenance. We issued that AD to detect propeller shaft cracks, which could cause failure of the shaft, propeller release, and loss of control of the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2012–11–14 (77 FR 39624, July 5, 2012), we determined the need to add a mandatory terminating action for the repetitive inspections of the affected propeller shafts, by requiring the removal from service of the propeller shafts.

Relevant Service Information

We reviewed P&WC Alert Service Bulletin (ASB) No. PW100–72–A21813, Revision 3, dated March 21, 2012. That ASB provides instructions for identifying the location of repaired propeller shafts for which compliance to the nickel plating repair process cannot be determined and for inspecting for cracks in the inner bore of the propeller shafts identified by S/N in Tables 1 and 2 of that ASB. We also reviewed P&WC ASB No. PW100–72–A21802, Revision 4, dated March 16, 2012. That ASB provides instructions for removing the affected propeller shafts that are identified by S/N in Table 1 of that ASB. We also reviewed P&WC Special Instruction P&WC No. 22–2012, R2, dated April 4, 2012. That service information provides instructions for performing ultrasonic inspections to the affected propeller shafts to comply with the inspection requirement of ASB No. PW100–72–A21813, Revision 3, dated March 21, 2012. We also reviewed P&WC ASB No. PW100–72–A21798, Revision 5, dated March 20, 2012. That ASB provides instructions for performing mandatory replacement of the affected propeller shafts that are identified by S/N in Tables 1 and 2 of that ASB.

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 retain the requirements of AD 2012–11–14 (77 FR 39624, July 5, 2012), except it would require the initial inspection done before further flight, as operators should have already complied with the initial compliance times in that AD. This proposed AD would add a mandatory terminating action to the repetitive inspections of the affected propeller shafts, by removing those propeller shafts from service.

Costs of Compliance

We estimate that this proposed AD would affect 570 engines installed on airplanes of U.S. registry. We estimate that it would take 6 work-hours per engine to remove the propeller shaft for inspection, 1 work-hour to perform the inspection, 65 work-hours to remove and reinstall the engine if needed, and 35 work-hours to replace the propeller shaft. We estimate that consumable materials would cost $2,200 per engine, and required engine testing would cost $5,000. The average labor rate is $85 per work-hour. We expect that about 30 engines would be found with propeller shafts requiring a replacement propeller shaft. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,028,850.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–11–14, Amendment 39–17078 (77 FR 39624, July 5, 2012), and adding the following new AD:

Pratt & Whitney Canada Corp. (formerly Pratt & Whitney Canada Inc.): Docket No. FAA–2012–0416; Directorate Identifier 2012–NE–13–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by November 13, 2012.

(b) Affected ADs

This AD supersedes AD 2012–11–14 (77 FR 39624, July 5, 2012).

(c) Applicability

This AD applies to all Pratt & Whitney Canada Corp. (P&WC) PW118, PW118A, PW118B, PW119B, PW119C, PW120, PW120A, PW121, PW121A, PW123, PW123B, PW123C, PW123D, PW123E, PW123AF, PW124B, PW125B, PW126A, PW127, PW127E, PW127F, PW127G, and PW127M turboprop engines, with the serial number (S/N) propeller shafts listed in P&WC Alert Service Bulletin (ASB) No. PW100–72–A21813, Revision 3, dated March 21, 2012, ASB No. PW100–72–A21802, Revision 4, dated March 16, 2012, and ASB No. PW100–72–A21798, Revision 5, dated March 20, 2012.

(d) Unsafe Condition

This AD was prompted by reports of two propeller shafts found cracked at time of inspection during maintenance. We are issuing this AD to detect propeller shaft

cracks, which could cause failure of the shaft, propeller release, and loss of control of the airplane.

(e) Compliance

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

(f) Inspecting Propeller Shafts

(1) For propeller shafts with an S/N listed in Table 1 and Table 2 of P&WC ASB No. PW100–72–A21813, Revision 3, dated March 21, 2012:

(i) For engines not yet initially inspected per AD 2012–11–14 (77 FR 39624, July 5, 2012), before further flight, perform either an initial visual inspection or an initial ultrasonic inspection (UI) for cracks, in accordance with paragraphs 3.C.(1) through 3.C.(1)(a), and 3.C.(2) of P&WC ASB No. PW100–72–A21813, Revision 3, dated March 21, 2012, and Section 9 of P&WC Special Instruction (SI) P&WC No. 22–2012, R2, dated April 4, 2012.

(ii) If the visual inspection was performed, repeat the visual inspection within 50 engine flight hours (EFH) after the initial inspection, and thereafter every 10 EFH, until the propeller shaft is removed from service.

(iii) If the UI was performed, repeat the UI at intervals not to exceed 1,000 EFH, until the propeller shaft is removed from service.

(2) If a crack is found during any of the inspections required by this AD, remove the propeller shaft from service before the next flight.

(g) Mandatory Terminating Action

As mandatory terminating action to the repetitive inspections required by AD 2012–11–14, (77 FR 39624, July 5, 2012):

(1) For propeller shafts with an S/N listed in Table 1 of P&WC ASB No. PW100–72–A21802, Revision 4, dated March 16, 2012, remove the propeller shafts from service before further flight.

(2) For affected S/N propeller shafts listed in Table 1 of P&WC ASB No. PW100–72–A21798, Revision 5, dated March 20, 2012, remove the propeller shafts from service within 6 months after the effective date of this AD.

(3) For affected S/N propeller shafts listed in Table 2 of P&WC ASB No. PW100–72–A21798, Revision 5, dated March 20, 2012, remove the propeller shafts from service within 12 months after the effective date of this AD.

(h) Installation Prohibition

(1) After the effective date of this AD, do not install any propeller shaft S/Ns listed in Table 1 of P&WC ASB No. PW100–72–A21802, Revision 4, dated March 16, 2012, into any engine.

(2) After the effective date of this AD, do not install any propeller shaft S/Ns listed in Table 1 and Table 2 of P&WC ASB No. PW100–72–A21798, Revision 5, dated March 20, 2012, into any engine.

(i) Credit for Actions Accomplished in Accordance With Previous Service Information

(1) Initial inspections performed using P&WC ASB No. PW100–72–A21813, Revision 3, dated March 21, 2012 or earlier revisions, satisfy the initial inspection requirements of paragraph (f) of this AD. However, you must perform the repetitive inspection intervals specified in paragraph (f).

(2) Ultrasonic inspections performed per SI P&WC 22–2012R2, dated April 4, 2012, or earlier revisions satisfy the requirements of paragraph (f) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(k) Special Flight Permit

No special flight permits will be issued for this AD.

(l) Related Information

(1) For more information about this AD, contact James Lawrence, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; email: *james.lawrence@faa.gov;* phone: 781–238–7176; fax: 781–238–7199.

(2) Refer to Transport Canada AD No. CF–2012–12, dated March 26, 2012, for related information.

(3) For service information identified in this AD, contact Pratt & Whitney Canada Corp., 1000 Marie-Victorin, Longueuil, Quebec, Canada, J4G 1A1; phone: 800–268–8000; fax: 450–647–2888; Web site: *www.pwc.ca*. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on September 6, 2012.

Robert G. Mann,

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

[FR Doc. 2012–22527 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–0791; Airspace Docket No. 12–AGL–9]

Proposed Amendment of Class E Airspace; Sault Ste Marie, ON

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Sault Ste Marie, ON. Changes to controlled airspace are necessary to coincide with the Canadian control zone over Sault Ste Marie Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: 0901 UTC. Comments must be received on or before October 29, 2012.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2012–0791/Airspace Docket No. 12–AGL–9, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321–7716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–0791/Airspace Docket No. 12–AGL–9.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.*

Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

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

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by amending Class E airspace designated as an extension to Class D at Sault Ste Marie Airport, Sault Ste Marie, ON, to coincide with that portion of the control zone in Canadian airspace. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6004 of FAA Order 7400.9V, dated August 9, 2011 and effective September 15, 2011, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this 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 U.S. Code. Subtitle 1, 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 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 would amend controlled airspace at Sault Ste Marie Airport, Sault Ste Marie, ON.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9V, Airspace Designations and Reporting Points, dated August 9, 2011, and effective September 15, 2011, is amended as follows:

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area

* * * * *

AGL ON E4 Sault Ste Marie, ON [Amended]

Sault Ste Marie Airport, ON, Canada
(Lat. 46°29′06″ N., long. 84°30′34″ W.)

That airspace in the United States extending upward from the surface within 1.6 miles each side of the 118° bearing from Sault Ste Marie Airport extending from the 5-mile radius of the airport to 9.6 miles southeast of the airport.

Issued in Fort Worth, TX, on August 29, 2012.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2012–22576 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2011–0492; FRL–9726–5]

Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing determinations relating to 1997 8-hour ozone nonattainment areas in California. First, EPA is proposing to determine that six 8-hour ozone nonattainment areas in California (Amador and Calaveras Counties, Chico, Kern County, Mariposa and Tuolumne Counties, Nevada County, and Sutter County) (''six CA areas'') attained the 1997 8-hour ozone national ambient air quality standard (NAAQS) by their applicable attainment dates. Second, in making these proposed determinations for Mariposa and Tuolumne Counties and Nevada County, EPA is also proposing to grant them one-year attainment date extensions. Lastly, EPA is proposing to determine that the six CA areas and the Ventura County 8-hour ozone nonattainment area in CA have attained and continue to attain the 1997 8-hour ozone NAAQS based on the most recent three years of data. Under the provisions of EPA's ozone implementation rule, these proposed determinations suspend the requirements for these areas to submit revisions to the state implementation plan related to attainment of the 1997 8-hour ozone standard for as long as these areas continue to meet the 1997 8-hour ozone NAAQS.

DATES: Written comments must be received on or before October 15, 2012.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2011–0492, by one of the following methods:

1. Federal eRulemaking Portal, at *www.regulations.gov,* please follow the on-line instructions;

2. Email to *ungvarsky.john@epa.gov*; or

3. Mail or delivery to John Ungvarsky, Air Planning Office, AIR–2, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, (415) 972–3963, or by email at *ungvarsky.john@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. EPA is approving: the determinations of attainment by applicable attainment dates; attainment date extensions; and determinations of continued attainment as a direct final rule without prior proposal because EPA views these as noncontroversial actions and anticipates no adverse comments. A detailed rationale for these actions is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule.

If EPA receives adverse comments, EPA will withdraw the direct final rule, and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive 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: August 30, 2012.

Jared Blumenfeld,

Regional Administrator, EPA Region IX.

[FR Doc. 2012–22467 Filed 9–13–12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 101108560–2413–01]

RIN 0648–BA43

Fisheries of the Exclusive Economic Zone Off Alaska; Revise Maximum Retained Amounts for Groundfish in the Bering Sea and Aleutian Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a regulatory amendment to increase the maximum retainable amounts (MRAs) of groundfish using arrowtooth flounder (*Atheresthes stomias*) and Kamchatka flounder (*Atheresthes evermanni*) as basis species in the Bering Sea and Aleutian Islands management area (BSAI). This action would allow the use of BSAI arrowtooth flounder and Kamchatka flounder as basis species for the retention of species closed to directed fishing and is necessary to improve retention of otherwise marketable groundfish in these BSAI fisheries. This action also includes four regulatory amendments related to harvest management of Kamchatka flounder.

Three amendments are necessary to manage Kamchatka flounder in the same manner as arrowtooth flounder in the BSAI and to aid in the recordkeeping, reporting, and catch accounting of flatfish in the BSAI. The fourth amendment is necessary to provide NMFS the flexibility to allocate arrowtooth flounder and Kamchatka flounder (and other species in the future) to the Western Alaska Community Development Quota (CDQ) Program in the annual harvest specifications. Through this proposed action, NMFS intends to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, and other applicable law.

DATES: Comments must be received by October 15, 2012.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2012–0044, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov.* To submit comments via the e-Rulemaking Portal, first click the ''submit a comment'' icon, then enter NOAA–NMFS–2012–0044 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the ''Submit a Comment'' icon on the right of that line.
- *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.
- *Fax:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Fax comments to 907–586–7557.
- *Hand delivery to the Federal Building:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Electronic copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) prepared for this action may be obtained from *http://www.regulations.gov* or from the Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907–586–7442, or Tom Pearson, 907–481–1780.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the groundfish fisheries in the exclusive economic zone in the BSAI under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600 and 679.

Regulations at § 679.20(e) and (f), and Table 11 to 50 CFR part 679 establish MRA percentages for groundfish species and species groups. An MRA is the maximum round weight of a species or species group closed to directed fishing that may be retained onboard a vessel. NMFS established MRAs to allow vessels engaged in fishing for species or species groups open to directed fishing (basis species) to retain a specified amount of species or species group closed to directed fishing. The percent of a species or species group closed to directed fishing retained in relation to the basis species must not exceed the MRAs listed in Table 11 to 50 CFR part 679.

MRA percentages serve as a management tool to slow the harvest rates and reduce the incentive for targeting species closed to directed fishing. MRAs allow for some retention of species closed to directed fishing instead of requiring regulatory discards of these species. MRA percentages reflect a balance between the recognized need to slow harvest rates and minimize the potential for discards, and, in some cases, provide an increased opportunity to harvest available total allowable catch (TAC) through limited retention.

The NOAA Office for Law Enforcement or the United States Coast Guard may review production data to determine if vessels have complied with specified MRAs by comparing the estimated round weight of the retained species closed to directed fishing with the estimated round weight of the retained basis species. The amount of round weight of each retained species must not exceed the MRA, a specified percent, of the round weight of a basis species. For example, when Pacific cod is open to directed fishing and arrowtooth flounder is closed to directed fishing, a vessel operator may retain a round weight equivalent amount of arrowtooth flounder of up to 35 percent of the round weight equivalent of Pacific cod that is retained onboard the vessel. In this example, all incidental catch of arrowtooth flounder in excess of the 35 percent MRA, from Table 3 to 50 CFR part 679, must be discarded.

To convert processed weight of groundfish to round weight equivalent, NMFS applies product recovery rates (PRRs) from Table 3 to 50 CFR part 679. Using the example above, during a fishing trip, a vessel operator engaged in catching and processing fish at sea during an open Pacific cod directed fishery would convert the processed weights of arrowtooth flounder and Pacific cod to the respective round weight equivalents. The vessel operator and NOAA Office for Law Enforcement can then determine if retained catch of arrowtooth flounder has exceeded the 35 percent MRA limit found in Table 11 to 50 CFR part 679, by dividing the retained incidental catch of arrowtooth flounder by the retained Pacific cod caught during an open directed fishery and converting the proportion to a percentage.

MRAs provide an increased opportunity to harvest available total allowable catch (TAC) through limited targeting activity. A vessel operator may have an incentive to target a species closed to directed fishing when the vessel operator determines that the retention of a species closed to directed fishing is less than or equal to the MRA limit specified for that species at § 679.20(e) and (f), and would provide economic benefits notwithstanding costs associated with finding, processing, and retaining the species closed to directed fishing. Prior to 1994, a vessel operator would target low-value basis species for the purpose of retaining up to the MRA limit of valuable incidental species closed to directed fishing. That led to the waste of some basis species for which there was no viable market. In 1994, NMFS published an emergency interim rule to prohibit the use of arrowtooth flounder as a basis species for the purpose of retaining groundfish closed to directed fishing (59 FR 6222, February 10, 1994). At the time the emergency rule was published, several vessel operators in the Gulf of Alaska (GOA) were deliberately targeting arrowtooth flounder to use as a basis species for the retention of highly valued groundfish species, such as sablefish, which were closed to directed fishing. Because there was no market for arrowtooth flounder, the retained arrowtooth flounder was either discarded or made into fish meal. In 1995, NMFS made this prohibition permanent to prevent vessels from wasting arrowtooth flounder as a basis species (60 FR 40304, August 8, 1995).

Arrowtooth flounder is now a valuable target fishery, and increasing MRAs for species closed to directed fishing when arrowtooth flounder is used as a basis species may result in a decrease in regulatory discards of the incidentally caught groundfish. For example, by 1995, limited markets for arrowtooth flounder had developed in the GOA. In 1997, NMFS increased the MRAs for pollock and Pacific cod from zero to 5 percent when arrowtooth flounder was the basis species. NMFS intended that the increase would reduce regulatory discards and provide for more efficient utilization of pollock and Pacific cod caught in the arrowtooth flounder fishery (62 FR 11109, March 11, 1997). That action reduced both the regulatory discards in the GOA and the number of violation notices issued by the NOAA Office for Law Enforcement for exceeding the MRAs of pollock and Pacific cod in the arrowtooth flounder fishery. On March 27, 2009, NMFS published a final rule in the **Federal Register** (74 FR 13348) to increase MRAs for groundfish caught in the GOA arrowtooth flounder fishery from zero to 20 percent for deep-water flatfish, rex sole, flathead sole, shallow-water flatfish, Atka mackerel, and skates; from zero to 5 percent for aggregated rockfish; and from zero to 1 percent for sablefish. These amendments also reduced regulatory discards in the GOA arrowtooth flounder fishery.

As in the GOA, the retention of BSAI arrowtooth flounder fishery has increased as opportunities to market arrowtooth flounder products has expanded. During 2003 to 2010, the TAC for the arrowtooth flounder fishery increased from 12,000 metric tons (mt) in 2003, to 75,000 mt in 2010. Over this same period the total catch of arrowtooth flounder increased from 11,916 mt in 2007 to 30,367 mt in 2009, and the percent of arrowtooth flounder retained for processing increased from 21 percent in 2004, to 81 percent in 2010. Consequently, the Council has recommended additional management measures to better manage and reduce regulatory discards in the BSAI arrowtooth flounder fishery.

MRAs for Groundfish in Arrowtooth Flounder Directed Fishery

The Council recognized that efforts by the non-pelagic trawl fleet to improve retention of groundfish species in the BSAI arrowtooth flounder fishery are constrained by the current zero MRAs for groundfish for the arrowtooth flounder basis species. In October 2010, the Council recommended setting the MRAs for BSAI groundfish using arrowtooth flounder as the basis species

at the same MRA percentages as those set for BSAI groundfish using Pacific cod as a basis species with two exceptions (Greenland turbot and the ''other species'' group). The EA/RIR/IRFA provided information demonstrating that most of the MRAs listed in Table 11 to 50 CFR part 679 for groundfish caught in the Pacific cod directed fishery would represent a conservative guide for managing incidental catch in the arrowtooth flounder fishery. MRAs for groundfish species in the Pacific cod directed fishery are lower than the MRAs for a number of groundfish species that are commonly caught by the non-pelagic trawl fleet in the arrowtooth and Kamchatka flounder complex fisheries.

The Council recommended that the MRAs for Greenland turbot in the arrowtooth flounder directed fishery be based on the approximate average incidental catch between 2003 and 2009 because average gross earnings per pound of retained arrowtooth flounder increased during that time. The Council recommended that the MRAs for the aggregated ''other species'' group (skates, sharks, sculpins, and octopus) caught in the arrowtooth flounder fishery also be based on the approximate average incidental catch observed between 2003 and 2009. The Council intends these MRA modifications to allow vessels fishing in the arrowtooth flounder fisheries some retention of incidentally caught Greenland turbot and ''other species.'' At the same time, the proposed action sets these MRA limits for Greenland turbot at levels that minimize impacts on the Greenland turbot directed fisheries and that conserve stocks that comprise the ''other species'' group.

Council Action on MRAs and Management of Groundfish in Arrowtooth Flounder and Kamchatka Flounder Directed Fisheries

Prior to 2011, arrowtooth flounder and Kamchatka flounder were managed together with a single overfishing level (OFL), acceptable biological catch (ABC), and TAC in the BSAI. Arrowtooth flounder and Kamchatka flounder are caught at the same time in the non-pelagic trawl fishery, and are often difficult to distinguish from each other. Throughout most of the BSAI, however, Kamchatka flounder are less abundant than arrowtooth flounder. As the directed fishery for arrowtooth flounder and market prices for Kamchatka flounder have increased, Kamchatka flounder in the arrowtooth flounder fishery has been caught in disproportionately greater amounts relative to Kamchatka flounder biomass estimates. In 2010, the Council recommended that separate OFLs, ABCs, and TACs be established for arrowtooth flounder and Kamchatka flounder to protect the stock of Kamchatka flounder (76 FR 11138, March 1, 2011). Additionally, MRAs established for groundfish species closed to directed fishing in the Kamchatka flounder fishery will be the same as those set for the species closed to directed fishing in the arrowtooth flounder fishery. For prohibited species catch (PSC) management purposes and fishing seasons, the Council also recommended, and NMFS proposes, that Kamchatka flounder be managed as a fishery category with arrowtooth flounder, turbot, and sablefish.

CDQ Allocations for Kamchatka Flounder

In the final 2007 and 2008 harvest specifications for groundfish of the BSAI (72 FR 9451, March 2, 2007), NMFS explained that the term ''directed fishery'' for purposes of section 305(i)(1) of the Magnuson-Stevens Act means a fishery for which sufficient TAC exists to to allow unlimited retention of that species or species group, and the species or species group is economically valuable enough for the CDQ groups to target them. In the proposed 2011/2012 and 2012/2013 harvest specifications for groundfish of the BSAI (75 FR 76362, December 8, 2010), NMFS requested comment about whether Kamchatka flounder should be considered a directed fishery in the BSAI for purposes of CDQ allocations, and specifically whether the CDQ groups intended to conduct directed fishing for Kamchatka flounder in the future. NMFS received comments from all six of the CDQ groups that they did not intend to conduct directed fishing for Kamchatka flounder in 2011, but that economic conditions may change in the future in a manner that may make it appropriate for NMFS to allocate Kamchatka flounder to the CDQ Program. Therefore, in the final 2011 and 2012 harvest specifications for groundfish of the BSAI (76 FR 11139, March 1, 2011), NMFS did not allocate a portion of the Kamchatka flounder TAC to the CDQ Program.

Council Review of Draft Regulations To Combine Arrowtooth Flounder and Kamchatka Flounder Management Measures

In June 2011, NMFS provided the Council a review of the proposed regulatory revisions described below for MRAs associated with the arrowtooth flounder and Kamchatka flounder directed fisheries, as well as the management, recordkeeping, reporting, and catch accounting of arrowtooth flounder and Kamchatka flounder. The Council concurred in NMFS' determination that the proposed regulatory provisions to combine many of the management measures for arrowtooth flounder and Kamchatka flounder are necessary for the management of these species. With the exception of establishing separate OFLs, ABC, and TACs, the Council intends that Kamchatka flounder be managed in the same manner as arrowtooth flounder.

Proposed Regulatory Amendments

Revisions to MRA Regulations

This proposed rule would revise Table 11 to 50 CFR part 679 to increase the MRAs for groundfish species and species groups closed to directed fishing using arrowtooth flounder as the basis species from zero percent to 20 percent for pollock, Pacific cod, Atka mackerel, Alaska plaice, yellowfin sole, other flatfish, rock sole, flathead sole, and squid; from zero percent to 7 percent for Greenland turbot; from zero percent to 1 percent for sablefish; from zero percent to 2 percent for shortraker rockfish and rougheye rockfish (combined); from zero percent to 5 percent for aggregated rockfish; zero percent to 7 percent for Greenland turbot; and zero percent to 3 percent for the ''other species'' group.

Through this proposed action, NMFS would revise Table 11 to 50 CFR part 679 to manage MRAs associated with the arrowtooth flounder and Kamchatka flounder directed fisheries in close coordination. This proposed rule would also revise Table 11 to eliminate language that is no longer relevant because of revisions implemented through prior actions. NMFS proposes to move Kamchatka flounder from ''other flatfish'' to the arrowtooth flounder category in Table 11 to 50 CFR part 679. NMFS would revise Footnote 2 to Table 11, to include Kamchatka flounder to further clarify that Kamchatka flounder is not included with ''other flatfish.'' NMFS would revise footnote 4, which defines ''other species,'' to remove the sentence ''Forage fish, as defined at Table 2c to this part are not included in the 'other species' category.'' This revision would eliminate an unnecessary clarification because capelin, eulachon, and smelt were removed from ''other species'' category and placed in a forage fish species category in 1998 (63 FR 13009, March 17, 1998). This proposed amendment would eliminate a potential source of confusion for the entities that

would be subject to this rule and required to use the revised Table 11 to comply with groundfish MRAs.

NMFS proposes that if either arrowtooth flounder or Kamchatka flounder closes to directed fishing then neither arrowtooth flounder nor Kamchatka flounder could be used as a basis species for the retention of groundfish in the BSAI. This revision is necessary because it is difficult to distinguish between arrowtooth flounder and Kamchatka flounder once the two species are processed. Without distinguishing catch between these two species, the fishing industry would not be able to comply with the application of different MRA percentages for incidental catch of arrowtooth flounder or Kamchatka flounder when only one of these species is open to directed fishing. In addition, footnote 9 would be added to Table 11 to clarify that when arrowtooth flounder and Kamchatka flounder are closed to directed fishing and caught incidentally in other directed groundfish fisheries, vessel compliance with MRA limits specified for these species would be calculated as the aggregate retained incidental catch of both arrowtooth flounder and Kamchatka flounder.

Management Measures

Four additional regulatory amendments are proposed to provide for the identical MRA, PSC, and harvest management measures for arrowtooth flounder and Kamchatka flounder. These amendments are necessary to facilitate recordkeeping, reporting, and catch accounting of arrowtooth flounder and Kamchatka flounder and would ensure consistent timing of the harvest of these two species.

The first amendment would revise § 679.21(e)(3)(iv)(C) to include Kamchatka flounder in the same trawl fishery category for PSC management as arrowtooth flounder. Currently, Greenland turbot, arrowtooth flounder, and sablefish are in the same trawl fishery category for purposes of applying PSC limits. This revision is necessary because arrowtooth flounder and Kamchatka flounder are harvested in a mixed groundfish fishery and typically encounter similar PSC species.

The second amendment would establish identical seasonal opening dates for arrowtooth flounder and Kamchatka flounder, and is necessary to manage the Kamchatka flounder fishery in the same time period as the arrowtooth flounder fishery. Arrowtooth and Kamchatka flounder have historically been managed together because they are mixed-stock species and are often targeted together. Initiating the fishing season for these two species on different dates would cause significant management difficulties and therefore NMFS recommends concurrent seasonal management. NMFS would revise the BSAI groundfish seasons at § 679.23(e)(1) to include Kamchatka flounder with arrowtooth flounder and Greenland turbot so that the season for all these species would open on May 1.

The third amendment would revise Table 3 to 50 CFR part 679, which lists the product recovery rates (PRR) for groundfish species and conversion rates for Pacific halibut. These revisions would consolidate the eight flatfish species (including Kamchatka flounder) in Table 3 to 50 CFR part 679 into a single row, and apply identical PRRs to these eight flatfish species. This consolidation of flatfish into one row would simplify Table 3 and is necessary to facilitate recordkeeping, reporting, and MRA determination. Currently, identical PRRs are listed in Table 3 to 50 CFR part 679 for these eight individual species of flatfish, with the exception of yellowfin sole, which is also listed as having a PRR for surimi. NMFS proposes to establish one surimi PRR for all the species within the consolidated flatfish category because the similar morphology of the species within this category is likely to produce a similar proportion of utilized surimi product. NMFS proposes to use the surimi PRR currently listed for yellowfin sole for the consolidated flatfish category. If the consolidated flatfish category was not assigned a PRR for surimi, compliance with MRAs could not be determined for this product form.

The fourth amendment would revise § 679.20(b)(1)(ii) to explain how NMFS will determine whether to allocate a portion of a new TAC category to the CDQ Program in the annual harvest specifications. NMFS implemented the current regulations § 679.20(b)(1)(ii) in the final rule for Amendment 80 to the FMP (72 FR 52668, September 14, 2007). These regulations state that if the groundfish harvest specifications change a TAC category allocated to a CDQ reserve by combining or splitting a species, species group, or management area, then the same percentage of the TAC apportioned to a CDQ reserve in § 679.20 (b)(1)(ii)(A) through (D) will apply to the new TAC category. However, section 305(i)(1)(B)(ii)(II) of the Magnuson-Stevens Act addresses allocations to the CDQ Program and provides more specific guidance, namely, ''the allocation under the (CDQ) program in any directed fishery of the Bering Sea and Aleutian Islands (other than a fishery for halibut, sablefish, pollock, and crab) established after the date of enactment of this subclause shall be a total allocation (directed and nontarget combined) of 10.7 percent.''

The creation of a new TAC category for Kamchatka flounder required NMFS, in the final 2011 and 2012 harvest specifications for groundfish of the BSAI (76 FR 11139, March 1, 2011), to determine if Kamchatka flounder was a ''directed fishery'' for purposes of the CDQ Program. If NMFS determined it was a directed fishery, 10.7 percent of the Kamchatka flounder TAC would be allocated to the CDQ Program. As described in more detail in the final 2011 and 2012 harvest specifications, NMFS determined that Kamchatka flounder was not a ''directed fishery'' for purposes of the CDQ Program. This proposed rule would amend § 679.20(b)(1)(ii) to explain how this determination will be made in future harvest specifications should new TAC categories be created.

Specifically, NMFS proposes to revise regulations at § 679.20(b)(1)(ii)(D) and remove regulations at § 679.20(b)(1)(ii)(E) that govern CDQ allocations for TAC categories that are established when one species or species group is split from an existing species or species group to form a new TAC category. Paragraph (D)(*2*) would be added to § 679.20(b)(1)(ii) to state that, for all other groundfish species not specifically listed in § 679.20(b)(1)(ii)(A) through (D)(*1*), an amount equal to 10.7 percent of the BSAI TAC would be apportioned to a CDQ reserve if NMFS, after consultation with the Council, determines in the annual harvest specifications that a directed fishery in the BSAI exists for this species under section 305(i)(1)(B)(i) of the Magnuson-Stevens Act. The species specifically allocated to the CDQ Program in 50 CFR part 679 are pollock, sablefish, the ''Amendment 80'' species (Aleutian Islands Pacific ocean perch, Pacific cod, Atka mackerel, yellowfin sole, rock sole, and flathead sole), Bering Sea Greenland turbot, and arrowtooth flounder. In making a determination that a directed fishery exists in the BSAI, the Council and NMFS would consider whether sufficient TAC exists to open a directed fishery for that species in the BSAI and if the CDQ groups are likely to conduct directed fishing for that species. The 10.7 percent amount for Kamchatka flounder under § 679.20(b)(1)(ii)(D)(*2*) is the same as the 10.7 percent amount for arrowtooth flounder under § 679.20(b)(1)(ii)(D)(*1*), consistent with the Council's intent for similar management of the two species.

Classification

Pursuant to section 304 (b)(1)(A) and 305 (d) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA 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. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Using earnings from all Alaska fisheries in 2009, there are 254 catcher vessels directly regulated by this action that had gross earnings less than $4.0 million, thus categorizing them as small entities based on the threshold that the Small Business Administration uses to define small fishing entities. For catcher/processors, 18 vessels had gross earnings less than $4 million, categorizing them as small entities. The preferred alternative also affects the six CDQ groups because it would revise regulations governing how allocations are made to the CDQ Program of TAC categories established by splitting existing quota categories, as has occurred with arrowtooth flounder and Kamchatka flounder. Due to their status as non-profit corporations, the CDQ groups are also considered to be small entities under the RFA.

The Council evaluated three alternatives and three suboptions to increase the MRAs of groundfish in the arrowtooth flounder fishery in the BSAI. Alternative 1, the status quo or no action alternative, would leave the MRAs for groundfish in the BSAI arrowtooth flounder fishery unchanged from current levels, and would continue to require fishermen to discard otherwise marketable groundfish.

Alternative 2 would set the MRAs for groundfish using arrowtooth flounder as a basis species at the same MRA levels for groundfish using Pacific cod as a basis species, with two suboptions to modify the Greenland turbot MRA at 15 percent or 7 percent, and one suboption to modify the ''other species'' group MRA to 3 percent.

Alternative 3 would set the MRAs for groundfish using arrowtooth flounder as a basis species at the same MRA levels for groundfish using flathead sole as a basis species. The Council also considered a suboption to Alternative 3 to set the MRA for Greenland turbot using arrowtooth flounder as a basis species to 15 percent.

To provide the opportunity to the arrowtooth flounder trawl fishing industry to reduce discards by allowing increased retention of groundfish, the Council recommended Alternative 2 as the preferred alternative, with suboptions 2.2 and 2.3 for Greenland turbot and the ''other species'' group. Alternative 2, combined with suboptions 2.2, and 2.3, would increase MRAs of groundfish closed to directed fishing for arrowtooth flounder as the basis species from zero percent to 20 percent for pollock, Pacific cod, Atka mackerel, Alaska plaice, yellowfin sole, other flatfish, rock sole, flathead sole, and squid; from zero percent to 7 percent for Greenland turbot; from zero percent to 1 percent for sablefish; from zero percent to 2 percent for shortraker and rougheye rockfish (combined); from zero percent to 5 percent for aggregated rockfish; and from zero percent to 3 percent for the ''other species'' group (consisting of skates, sharks, sculpins, and octopus in the aggregate). The Council recommended that the MRAs for Greenland turbot and aggregated ''other species'' be based on the approximate average incidental catch observed in the arrowtooth flounder fishery between 2003 and 2009. For Greenland turbot, an MRA of 7 percent would allow for increased retention of Greenland turbot for arrowtooth flounder as the basis species, when Greenland turbot is closed to directed fishing. Suboption 2.2 also would provide a more conservative MRA for Greenland turbot than suboption 2.1. Suboption 2.1, an MRA of 15 percent, would allow increased retention of Greenland turbot for arrowtooth flounder as the basis species. Constraining the MRA for Greenland turbot to 7 percent instead of 15 percent may reduce the amount of incidentally caught Greenland turbot in the Amendment 80 sector directed fishery for arrowtooth flounder, allowing for a greater amount of Greenland turbot to be available for small entities in the longline fishery. The longline fishery relies on access to the Greenland turbot directed fishery. Suboption 2.3 would conserve the stocks that comprise the ''other species'' group while allowing for some retained catch of these species in the arrowtooth flounder fishery when the species that comprise the ''other species'' group are closed to directed fishing.

Alternative 3 would increase the MRAs of groundfish closed to directed fishing for arrowtooth flounder as the basis species from zero percent to 20 percent for pollock, Pacific cod, Atka mackerel, squid, and for the ''other species'' group (skates, sharks, sculpins, and octopus in the aggregate); from zero percent to 35 percent for Alaska plaice, yellowfin sole, other flatfish, flathead sole, and Greenland turbot; from zero percent to 15 percent for sablefish and aggregated rockfish; and from zero percent to 7 percent for shortraker and rougheye rockfish (combined).

Under Alternative 3, the Council recognized a greater potential for development of fisheries that could increase harvests of species and adversely impact the ability of NMFS to effectively manage several groundfish species within the TAC, and therefore did not recommend this alternative. In general, the development of a fishery is dependent upon a number of factors, including, but not limited to, the price of the MRA species, whether a market exists, accessibility of the species, storage availability, and processing capacity. In addition, the potential for a vessel to harvest a specific species varies across vessels. A vessel operator has more discretion to harvest specific groundfish species if the operator has the ability to limit incidental catch or the ability to discard low-valued fish, while targeting arrowtooth flounder.

Alternatives 2 and 3 would be beneficial to the affected small entities by providing an opportunity to retain additional, economically valuable groundfish species when arrowtooth flounder is a basis species. Under Alternative 2, the benefits to small entities would be slightly lower than under Alternative 3. However, Alternative 2 with suboptions 2.2 and 2.3 (the preferred alternative), that sets the MRA for Greenland turbot at 7 percent and the MRA for the species that comprise the ''other species'' group at 3 percent, reduces unintended impacts to the Greenland turbot directed fishery more effectively and provides greater protection for the species which comprise the ''other species'' group than does Alternative 3. Allowing a greater amount of Greenland turbot retained catch under Alternative 3 may result in earlier closure of the Greenland turbot directed fishery, as compared with Alternative 2 with suboption 2.2. No negative impacts on small entities are associated with either Alternative 2 or 3.

Should the preferred alternative be implemented, the four additional amendments to the regulations proposed by NMFS are necessary. The purposes of these proposed amendments are: to provide management measures for Kamchatka flounder that are identical to those for arrowtooth flounder; to prevent the Kamchatka flounder fishery from having negative impacts on the arrowtooth flounder and Greenland turbot directed fisheries; to facilitate recordkeeping, reporting, and catch accounting of Kamchatka flounder as well as other flatfish species and species groups; and to provide the Council and NMFS greater flexibility in the annual harvest specifications process to allocate TAC (for such species as Kamchatka flounder) to the CDQ Program in the future. These proposed revised regulatory amendments are included in this proposed rule as they address the Council's intent to manage Kamchatka flounder with separate harvest specifications with the same management measures that apply to arrowtooth flounder because of the close association of these two species in the groundfish fisheries.

No negative impacts on small entities are associated with these proposed regulatory amendments. Participants in the Amendment 80 sector are the primary entities that would be affected by this proposed action since only Amendment 80 sector operators have developed markets for arrowtooth flounder and Kamchatka flounder and have expressed interest in retaining these two groundfish species. These two species have become sufficiently important to some vessels in this sector so NMFS does not anticipate the catch rates and amounts of arrowtooth flounder and Kamchatka flounder would change under the preferred alternative to amend the MRAs for groundfish caught in the target fisheries. Thus, NMFS has no expectation that fishing location or intensity will be altered by the small increases in MRAs for incidental catch of groundfish in the directed fisheries of these two species. The primary effect of this action would be to reduce the amount of discarded groundfish catch. Small entities are unlikely to be disadvantaged by the opportunity to retain valuable incidental catch that would otherwise be discarded and made unavailable to sell as a marketable product.

This proposed rule contains no additional collection-of-information requirements subject to review and approval by OMB under the Paperwork Reduction Act.

The analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries.

Dated: September 11, 2012.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

2. In § 679.20, remove paragraph (b)(1)(ii)(E) and revise paragraph (b)(1)(ii)(D) to read as follows:

§ 679.20 General limitations.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(D) *CDQ reserves for other groundfish species.* (*1*) An amount equal to 10.7 percent of the BSAI TACs for Bering Sea Greenland turbot and arrowtooth flounder, and 7.5 percent of the trawl gear allocation of sablefish in the BS and AI is apportioned from the nonspecified reserve established under paragraph (b)(1)(i) of this section to a CDQ reserve for each of these species by management area, subarea, or district.

(*2*) For all other groundfish species not specifically listed in paragraphs (b)(1)(ii)(A) through (D)(*1*) of this section, an amount equal to 10.7 percent of the BSAI TAC will be apportioned to a CDQ reserve if NMFS, after consultation with the Council, determines in the annual harvest specifications process under paragraph (c) of this section that a directed fishery in the BSAI exists for this species under section 305(i)(1)(B)(i) of the Magnuson-Stevens Act. In making this determination, the Council and NMFS shall consider whether sufficient TAC exists to open a directed fishery for that species in the BSAI and if the CDQ groups are likely to conduct a directed fishery for that species.

* * * * *

3. In § 679.21, revise paragraph (e)(3)(iv)(C) to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(3) * * *

(iv) * * *

(C) *Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish fishery.* Fishing with trawl gear during any weekly reporting period that results in a retained aggregate amount of Greenland turbot, arrowtooth flounder, Kamchatka flounder, and sablefish that is greater than the retained amount of any other fishery category defined under this paragraph (e)(3)(iv).

* * * * *

4. In § 679.23, revise paragraph (e)(1) to read as follows:

§ 679.23 Seasons.

* * * * *

(e) * * *

(1) *Directed fishing for arrowtooth flounder, Kamchatka flounder, and Greenland turbot.* Directed fishing for arrowtooth flounder, Kamchatka flounder, and Greenland turbot in the BSAI is authorized from 1200 hours, A.l.t., May 1 through 2400 hours, A.l.t., December 31, subject to the other provisions of this part.

* * * * *

5. Revise Table 3 to 50 CFR part 679 to read as follows:

BILLING CODE 3510–22–P

Table 3 to Part 679--Product Recovery Rates for groundfish species and conversion rates for Pacific halibut

Species Code	FMP Species	Product Code											
		1, 41, 86,92, 93, 95 Whole Fish	3 Bled	4 Gutted Head On	5 Gutted Head Off	6 H&G with Roe	7 H&G West Cut	8 H&G East Cut	10 H&G w/o Tail	11 Kirimi	12 Salted & Split	13 Wings	14 Roe
110	Pacific Cod	1.00	0.98	0.85	---	0.63	0.57	0.47	0.44	---	0.45	---	0.05
	Flatfish other than Pacific Halibut	1.00	0.98	0.90	---	0.80	0.72	0.65	0.62	0.48	---	---	0.08
143	Thornyhead Rockfish	1.00	0.98	0.88	---	0.55	0.60	0.50	---	---	---	---	---
160	Sculpins	1.00	0.98	0.87	---	---	0.50	0.40	---	---	---	---	---
193	Atka Mackerel	1.00	0.98	0.87	---	0.67	0.64	0.61	---	---	---	---	---
270	Pollock	1.00	0.98	0.80	---	0.70	0.65	0.56	0.50	0.25	---	---	0.07
510	Smelts	1.00	0.98	0.82	---	---	0.71	---	---	---	---	---	---
511	Eulachon	1.00	0.98	0.82	---	---	0.71	---	---	---	---	---	---
516	Capelin	1.00	0.98	0.89	---	---	0.78	---	---	---	---	---	---
---	Sharks	1.00	0.98	0.83	---	---	0.72	---	---	---	---	---	---
---	Skates	1.00	0.98	0.90	---	---	---	0.32	---	---	---	0.32	---
710	Sablefish	1.00	0.98	0.89	---	---	0.68	0.63	0.50	---	---	---	---
870	Octopus	1.00	0.98	0.81	---	---	---	---	---	---	---	---	---
875	Squid	1.00	0.98	0.69	---	---	---	---	---	---	---	---	---
---	Rockfish	1.00	0.98	0.88	---	---	0.60	0.50	---	---	---	---	---
200	PACIFIC HALIBUT Conversion rates to Net Weight	---	---	0.90	1.0	---	---	---	---	---	---	---	---

Table 3 to Part 679--Product Recovery Rates for groundfish species and conversion rates for Pacific halibut (continued)

Species Code	FMP Species	Product Code											
		15 Pectoral Girdle	16 Heads	17 Cheeks	18 Chins	19 Belly	20 Fillets with Skin & Ribs	21 Fillets with Skin No Ribs	22 Fillets with Ribs No Skin	23 Fillets Skinless Boneless	24 Fillets Deep Skin	30 Surimi	31 Mince
110	Pacific Cod	0.05	---	0.05	---	0.01	0.45	0.35	0.25	0.25	---	0.15	0.5
	Flatfish other than Pacific Halibut	---	---	---	---	---	0.32	0.27	0.27	0.22	---	0.18	---
143	Thornyhead Rockfish	---	0.20	0.05	0.05	0.05	0.40	0.30	0.35	0.25	---	---	---
160	Sculpins	---	---	---	---	---	---	---	---	---	---	---	---
193	Atka Mackerel	---	---	---	---	---	---	---	---	---	---	0.15	---
270	Pollock	---	0.15	---	---	---	0.35	0.30	0.30	0.21	0.16	0.16[1] 0.17[2]	0.22
510	Smelts	---	---	---	---	---	---	0.38	---	---	---	---	---
511	Eulachon	---	---	---	---	---	---	---	---	---	---	---	---
516	Capelin	---	---	---	---	---	---	---	---	---	---	---	---
---	Sharks	---	---	---	---	---	---	0.30	0.30	0.25	---	---	---
---	Skates	---	---	---	---	---	---	---	---	---	---	---	---
710	Sablefish	---	---	0.05	---	---	0.35	0.30	0.30	0.25	---	---	---
870	Octopus	---	---	---	---	---	---	---	---	---	---	---	---
875	Squid	---	---	---	---	---	---	---	---	---	---	---	---
---	Rockfish	---	0.15	0.05	0.05	0.10	0.40	0.30	0.33	0.25	---	---	---
200	PACIFIC HALIBUT Conversion rates to Net Weight	---	—	—	---	---	---	---	---	---	---	---	---

6. Revise Table 11 to 50 CFR part 679 to read as follows:

Table 3 to Part 679--Product Recovery Rates for groundfish species and conversion rates for Pacific halibut (continued)

Species Code	FMP Species	Product Code							
		32 Meal	33 Oil	34 Milt	35 Stomachs	36 Mantles	37 Butterfly Backbone Removed	88, 89 Infested or Decomposed Fish	98, 99 Discards
110	Pacific Cod	0.17	---	---	---	---	0.43	0.00	1.00
	Flatfish other than Pacific Halibut	0.17	---	---	---	---	---	0.00	1.00
143	Thornyhead Rockfish	0.17	---	---	---	---	---	0.00	1.00
160	Sculpins	0.17	---	---	---	---	---	0.00	1.00
193	Atka Mackerel	0.17	---	---	---	---	---	0.00	1.00
270	Pollock	0.17	---	---	---	---	0.43	0.00	1.00
510	Smelts	0.17	---	---	---	---	---	0.00	1.00
511	Eulachon	0.17	---	---	---	---	---	0.00	1.00
516	Capelin	0.17	---	---	---	---	---	0.00	1.00
---	Sharks	0.17	---	---	---	---	---	0.00	1.00
---	Skates	0.17	---	---	---	---	---	0.00	1.00
710	Sablefish	0.17	---	---	---	---	---	0.00	1.00
870	Octopus	0.17	---	---	---	0.85	---	0.00	1.00
875	Squid	0.17	---	---	---	0.75	---	0.00	1.00
---	Rockfish	---	---	---	---	---	---	0.00	1.00
200	PACIFIC HALIBUT Conversion rates to Net Weight	---	---	---	---	---	---	0.00	0.75

[1]Standard pollock surimi rate during January through June
[2]Standard pollock surimi rate during July through December.

Notes: To obtain round weight of groundfish, divide the product weight of groundfish by the table PRR.
To obtain IFQ net weight of Pacific halibut, multiply the product weight of halibut by the table conversion rate.
To obtain round weight from net weight of Pacific halibut, divide net weight by 0.75 or multiply by 1.33333.

Table 11 to Part 679-BSAI Retainable Percentages

BASIS SPECIES		INCIDENTAL CATCH SPECIES															
Code	Species	Pollock	Pacific cod	Atka mackerel	Alaska plaice	Arrow-Tooth[9]	Yellow fin sole	Other flatfish[2]	Rock sole	Flathead sole	Green-land turbot	Sable-fish[1]	Short-raker/ rougheye	Aggregated rockfish[6]	Squid	Aggregated forage fish[7]	Other species[4]
110	Pacific cod	20	na[5]	20	20	35	20	20	20	20	1	1	2	5	20	2	20
121	Arrowtooth[9]	20	20	20	20	na	20	20	20	20	7	1	2	5	20	2	3
122	Flathead sole	20	20	20	35	35	35	35	35	na	35	15	7	15	20	2	20
123	Rock sole	20	20	20	35	35	35	35	na	35	1	1	2	15	20	2	20
127	Yellowfin sole	20	20	20	35	35	na	35	35	35	1	1	2	5	20	2	20
133	Alaska Plaice	20	20	20	na	35	35	35	35	35	1	1	2	5	20	2	20
134	Greenland turbot	20	20	20	20	35	20	20	20	20	na	15	7	15	20	2	20
136	Northern	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
141	Pacific Ocean perch	20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
152/ 151	Shortraker/ Rougheye	20	20	20	20	35	20	20	20	20	35	15	na	5	20	2	20
193	Atka mackerel	20	20	na	20	35	20	20	20	20	1	1	2	5	20	2	20
270	Pollock	na	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20
710	Sablefish[1]	20	20	20	20	35	20	20	20	20	35	na	7	15	20	2	20
875	Squid	20	20	20	20	35	20	20	20	20	1	1	2	5	na	2	20
Other flatfish[2]		20	20	20	35	35	35	na	35	35	1	1	2	5	20	2	20
Other rockfish[3]		20	20	20	20	35	20	20	20	20	35	15	7	15	20	2	20
Other species[4]		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	na
Aggregated amount non-groundfish species[8]		20	20	20	20	35	20	20	20	20	1	1	2	5	20	2	20

[1] Sablefish: for fixed gear restrictions, see § 679.7(f)(3)(ii) and (f)(11).

[2] Other flatfish includes all flatfish species, except for Pacific halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Alaska plaice, arrowtooth flounder, and Kamchatka flounder.

[3] Other rockfish includes all "rockfish" as defined at § 679.2, except for Pacific ocean perch; and northern, shortraker, and rougheye rockfish.

[4] The other species group includes sculpins, sharks, skates, and octopus.

[5] na = not applicable

[6] Aggregated rockfish includes all "rockfish" as defined at § 679.2, except shortraker and rougheye rockfish.

[7] Forage fish are defined at Table 2c to this part.

[8] All legally retained species of fish and shellfish, including CDQ halibut and IFQ halibut that are not listed as FMP groundfish in Tables 2a and 2c to this part.

[9] The arrowtooth group includes arrowtooth flounder and Kamchatka flounder in the aggregate as basis species and as incidental catch species. Should either arrowtooth flounder or Kamchatka flounder close to directed fishing then neither arrowtooth flounder nor Kamchatka flounder may be used as a basis species for the purpose of retaining incidental catch of groundfish.

[FR Doc. 2012–22721 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–22–C

Notices

Federal Register

Vol. 77, No. 179

Friday, September 14, 2012

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

DEPARTMENT OF AGRICULTURE

Forest Service

Arapaho and Roosevelt National Forests and Pawnee National Grassland; Larimer County, CO; Middle Bald Mountain Public Safety Radio Communications Site

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Arapaho and Roosevelt National Forests and Pawnee National Grassland is preparing an environmental impact statement to consider and disclose the environmental effects of constructing and operating a government-only, public safety radio communications facility near the summit of Middle Bald Mountain, in the Roosevelt National Forest. The Larimer County Sheriff's Office has proposed construction of a site to improve public safety radio communications among government agencies, such as County and State law enforcement, local fire departments, Larimer County Search and Rescue, U.S. Forest Service, FBI, and other emergency responders and public service providers operating in the north central portions of the County. The proposed communication facility would also improve radio communication in areas of the Cache la Poudre Canyon (the Canyon) and State Highway 14 which currently have poor or no radio communication.

DATES: Comments concerning the scope of the analysis must be received by October 29, 2012. The draft environmental impact statement is expected to be issued for public review in February, 2013, and the final environmental impact statement is expected to be issued in April, 2013.

ADDRESSES: Send written comments to Middle Bald Communication Site Comments, c/o Logan Simpson Design, 123 N. College Ave., Ste. 206, Fort Collins, CO 80524. Comments may also be sent via email to *MiddleBald@logansimpson.com*. Include ''Middle Bald Comment'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Visit the Forest Service and County project Web sites, *http://www.fs.usda.gov/goto/arp/middlebald* and *http://larimer.org/baldmountain/,* or contact Carol Kruse, Special Projects Coordinator, at (970) 295–6663. Further information will also be available at two public open houses to be scheduled in early October; the exact dates, times, and locations will be announced locally.

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:

Purpose and Need for Action

The purpose of and need for this action are to improve poor or non-existent VHF and 800 MHz radio coverage in the north central part of Larimer County, including Red Feather Lakes, Crystal Lakes, Glacier Meadows, the Canyon, State Highway 14, and in recreational areas in the Roosevelt National Forest. This lack of radio coverage also affects other public safety users, including local fire departments, FBI, Larimer County Search and Rescue, County Road and Bridge Department, the U.S. Forest Service, Colorado Department of Transportation, and the Colorado State Patrol. The principal land mobile radio system for Larimer County first responders is the 800 MHz State of Colorado Digital Trunked Radio System (DTRS); the County also operates a legacy VHF radio system.

The Forest Service has identified a need to provide reliable, all-weather, VHF and 800 MHz communications capabilities in north central Larimer County and in additional reaches of the Canyon that would allow fire and medical first-responders, law enforcement, and other government public safety and public service agencies to more-quickly and better assist the residents and recreational visitors during both emergency and routine incidents in those areas. The need was reinforced this summer during the Hewlett Gulch and High Park wildfires.

Installation of the proposed radio communications facility under the proposed action would meet the purpose and need by improving VHF and 800 MHz coverage and reliability in north central Larimer County and the Canyon for existing fire and medical first-responders, law enforcement, and other local, State, and Federal emergency and public services users of the VHF and 800 MHz radio systems.

Proposed Action

The proposed action is to construct a government-only public safety radio communications facility on Middle Bald Mountain for both VHF and 800 MHz communications equipment. On-the-ground testing of both VHF and 800 MHz radio signal coverage and signal strength indicates that a tower at that location would provide substantially improved VHF and 800 MHz coverage in northwestern Larimer County and in the Canyon. An approximately 70-foot high, 3-legged steel lattice tower and 200 square-foot building would hold equipment for use by Larimer County, local fire departments, the State of Colorado, the Forest Service, and search and rescue organizations.

During construction a 2,900-foot long and 10-foot wide access road passable by heavy construction vehicles would need to be built from National Forest Service Road (NFSR) 517 to the proposed site facilities near the summit. Post-construction, the access road could be rehabilitated to a level required by the Forest Service. Gates could be installed at the junction with NFSR 517 and where the access road exits treeline onto the open meadow of the Middle Bald Mountain summit, if required by the Forest Service.

Power for the communication facility would be provided by extension of the commercial electrical power grid from a location in Section 32, Township 10 North and Range 73 West. The approximately 12-mile long powerline would be installed overhead beginning in the Redfeather Lakes area, alongside County Road 162 (Deadman Road) to NFSR 300, alongside NFSR 300 to NFSR 517, alongside NFSR 517 to the point at which the proposed access road would leave NFSR 517, and alongside the access road to the point at which the access road exits the trees into the open meadow of the summit. From that point the powerline would be buried under

the access road to the communication facilities. The proposed facility would include a backup 20 kilowatt diesel generator for use in the event of interruption of commercial power.

It is anticipated that facility construction would take three to four months and would occur in a single summer season.

Possible Alternatives

The Environmental Impact Statement will analyze the proposed action, No Action (no communication site on Middle Bald Mountain), and other action alternatives that may be developed after scoping. Other action alternatives could consider alternative power sources, powerline alignments, and installation methods; alternative access road alignments and designs; alternative building designs; and alternative site locations for the tower and building near the summit of Middle Bald Mountain.

Responsible Official

The responsible official is the Forest Supervisor for the Arapaho and Roosevelt National Forests and Pawnee National Grassland.

Nature of Decision To Be Made

The responsible official will decide whether or not to permit the proposed action or other action alternative that may be developed by the Forest Service as a result of scoping.

Permits or Licenses Required

A Special Use permit from the Forest Service would be required to implement the proposal or other action alternative that may be developed by the Forest Service after scoping. A non-significant Forest Plan amendment would also be necessary if the decision is to permit a communication site on Middle Bald Mountain.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The Forest Service is soliciting comments from Federal, State, and local agencies, and other individuals or organizations who may be interested in or affected by implementation of the proposed project. Input provided by interested and/or affected individuals, organizations, and governmental agencies will be used to identify resource issues that will be analyzed in the Draft EIS. The Forest Service will identify key issues raised during the scoping process and use them to formulate alternatives, prescribe mitigation measures and project design features, and analyze environmental effects.

It is important that reviewers provide their comments at such times and in such a 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. There will be two public open houses approximately three weeks into the scoping period, at which written public comments will be accepted. Those meeting dates, times, and locations will be announced locally.

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.

Dated: September 5, 2012.

Glenn P. Casamassa,

Forest Supervisor.

[FR Doc. 2012–22366 Filed 9–13–12; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–69–2012]

Foreign-Trade Zone 230—Piedmont Triad Area, North Carolina; Notification of Proposed Production Activity, Sonoco Corrflex (Kitting—Gift Sets), Rural Hall and Winston-Salem, NC

The Piedmont Triad Partnership, grantee of FTZ 230, submitted a notification of proposed production activity on behalf of Sonoco Corrflex, located in Rural Hall and Winston-Salem, North Carolina. The notification conforming to the requirements of the regulations of the Foreign-Trade Zones Board (15 CFR 400.22) was received on August 20, 2012.

The Sonoco Corrflex facilities are located within Sites 24–27 of FTZ 230. The facilities are used for the kitting of cosmetic and personal hygiene gift sets. Production under FTZ procedures could exempt Sonoco Corrflex from customs duty payments on the foreign status components used in export production. On its domestic sales, Sonoco Corrflex would be able to choose the duty rates during customs entry procedures that apply to cosmetic and personal hygiene gift sets (duty rate range: free–6.5%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

Components and materials sourced from abroad include: Perfumes/toilet waters, makeup preparations (lip, eye, rouge and powder), manicure/pedicure preparations, body lotion and moisturizers, skin toners and astringents, shampoos and conditioners, shaving/after-shave preparations, deodorants/anti-perspirants, bath salts, body wash/soaps, toners, cleaners, plastic travel containers, polymer bags, plastic packing, security tags, plastic lids/caps, bags and cases of textile materials (HTSUS 4202.22, 4202.32, 4202.92—such items included within certain categories will be admitted to FTZ 230 under domestic (duty-paid) status (19 CFR 146.43), as described in the notification document), other bags/sacks, loofahs, tissue paper, paperboard/corrugated wrappers and pads, pocket mirrors, glass bottles, imitation jewelry, sunglasses, stuffed toys, brushes, travel sets, combs, and makeup application pads (duty rate ranges from free to 8.1%; 2¢ each + 7.0%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 24, 2012.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov,* or (202) 482–1378.

Dated: September 7, 2012.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2012–22735 Filed 9–13–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–820]

Certain Small Diameter Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Germany: Continuation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (''the Department'') and the U.S. International Trade Commission (''ITC'') that revocation of the antidumping duty order on certain small diameter seamless carbon and alloy steel standard, line, and pressure pipe (''seamless pipe'') from Germany would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

DATES: *Effective Date:* September 14, 2012.

FOR FURTHER INFORMATION CONTACT: Ericka Ukrow or Angelica Mendoza, AD/CVD Operations Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0405 and (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1995, the Department published the antidumping duty order on seamless pipe from Germany.[1] On April 2, 2012, the Department and the ITC published notices of initiation of their third five-year (''sunset'') review of the antidumping duty order on seamless pipe from Germany.[2]

As a result of this expedited sunset review, the Department determined that revocation of the antidumping duty order on seamless pipe from Germany would likely lead to continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should this order be revoked.[3]

On September 6, 2012, the ITC published its determination in the **Federal Register**, pursuant to section 752(a) of the Tariff Act of 1930, as amended (''the Act''), that revocation of the antidumping duty order on seamless pipe from Germany would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Order

The scope of the order includes small diameter seamless carbon and alloy standard, line and pressure pipes produced to the ASTM A–335, ASTM A–106, ASTM A–53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification.

For purposes of the order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes.

The seamless pipes subject to the order are currently classifiable under subheadings 7304.19.10.20, 7304.19.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (''HTSUS'').

The following information further defines the scope of the order, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the American Society for Testing and Materials (''ASTM'') standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (''ASME'') code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–

[1] *See Notice of Antidumping Duty Order and Amended Final Determination: Certain Small Diameter Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Germany,* 60 FR 39704 (August 3, 1995).

[2] *See Initiation of Five-Year (''Sunset'') Review,* 77 FR 19643 (April 2, 2012) and *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Germany; Institution of a Five-Year Review of the Antidumping Duty Order,* 77 FR 19711 (April 2, 2012).

[3] *See Certain Small Diameter Seamless Carbon and Alloy Standard, Line, and Pressure Pipe From Germany: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order,* 77 FR 46385 (August 3, 2012) and accompanying Issues and Decision Memorandum.

[4] *See Certain Seamless Carbon and Alloy Steel; Standard, Line, and Pressure Pipe From Germany,* 77 FR 54926 (September 6, 2012), and USITC Publication 4348 (August 2012), titled *Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Germany (Investigation No. 731–TA–709 (Third Review)).*

106 pipes may be used in some boiler applications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of the order. Therefore, seamless pipes meeting the physical description above, but not produced to the A–335, A–106, A–53, or API 5L standards shall be covered if used in a standard, line or pressure application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of the order.

Specifically excluded from the order are boiler tubing and mechanical tubing, if such products are not produced to A–335, A–106, A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods (''OCTG'') are excluded from the scope of the order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in the scope when used in standard, line or pressure applications. Finally, also excluded from the order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act the Department hereby orders the continuation of the antidumping duty order on seamless pipe from Germany.

U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of this order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next sunset review of this order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: September 7, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–22738 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board; Meeting

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda for an open meeting of the United States Travel and Tourism Advisory Board (Board). The Board will meet to present updates on the work of its subcommittees and hear briefings from representatives of the U.S. government on the implementation of the National Travel and Tourism Strategy and the progress on implementing the President's Executive Order 13597 on travel and tourism. The agenda may change to accommodate Board business. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://tinet.ita.doc.gov/TTAB/TTAB_Home.html,* at least one week in advance of the meeting.

DATES: October 2, 2012 2 p.m.–4 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the United States Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION:

Agenda: At the meeting, the Board will hear updates from its four subcommittees on travel facilitation, business climate, infrastructure and sustainability and advocacy.

Background: The Board was re-chartered in August 2011, to advise the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be physically accessible to people with disabilities. All guests are requested to register in advance. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than 5 p.m. EDT on September 25, 2012 to Jennifer Pilat, the U.S. Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202–482–4501, *OACIE@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Pilat at the contact information indicated above.

To be considered during the meeting, comments must be received no later than 5 p.m. EDT on September 25, 2012, to ensure transmission to the Board prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: September 10, 2012.

Jennifer Pilat,

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2012–22731 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an Opportunity to Apply for Membership on the Manufacturing Council.

SUMMARY: The Department of Commerce is currently seeking applications for appointment of 25 members of the

Manufacturing Council (Council) for a two-year term to begin in fall 2012. The purpose of the Council is to advise the Secretary of Commerce on matters relating to the competitiveness of the manufacturing sector and to provide regular communication between Government and the manufacturing sector. The Manufacturing and Services division of the International Trade Administration oversees the administration of the Council and collaborates with Congress and other stakeholders to increase the global competitiveness of the U.S. manufacturing sector.

ADDRESSES: Please submit application information via email to *oacie@trade.gov* or by mail to Jennifer Pilat, Office of Advisory Committees, Manufacturing Council Executive Secretariat, U.S. Department of Commerce, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230.

DATES: All applications for immediate consideration for appointment must be received by the Office of Advisory Committees by close of business on Friday, November 2, 2012. After that date, ITA will continue to accept applications under this notice for a period of up to two years from the deadline to fill any vacancies that may arise.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, Office of Advisory Committees, Manufacturing Council Executive Secretariat, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION: The Office of Advisory Committees is accepting applications for 25 positions on the Council for a two-year term beginning in the fall of 2012. The Council was rechartered most recently on April 5, 2012.

Members will be selected in accordance with applicable Department of Commerce guidelines based on his or her ability to advise the Secretary of Commerce on matters relating to the U.S. manufacturing sector, to act as a liaison among the stakeholders represented by the membership, and to provide a forum for those stakeholders on current and emerging issues in the manufacturing sector. In assessing this ability, the Department will consider such factors as, but not limited to, the candidate's proven experience in promoting, developing and marketing programs in support of manufacturing industries, job creation in the manufacturing sector, or the candidate's proven abilities to manage manufacturing organizations. Given the duties and objectives of the Council, the Department particularly seeks applicants who are active manufacturing executives (Chief Executive Officer, President, or a comparable level of responsibility) that are leaders within their local manufacturing communities and industry sectors. The Council's membership shall reflect the diversity of American manufacturing by representing a balanced cross-section of the U.S. manufacturing industry in terms of industry sectors, geographic locations, demographics, and company size, particularly seeking the representation of small- and medium-sized enterprises.

During the 2012–2014 charter term of the Manufacturing Council, the Assistant Secretary of Commerce for Manufacturing and Services intends to establish a new Economic Security Commission Subcommittee. The purpose of this subcommittee will be to examine factors that impact the long-term strategic challenges faced by the manufacturing sector in the United States. As indicated below, applicants are encouraged to highlight in their submissions any interest in and experience relevant to the work of this subcommittee.

The Secretary of Commerce appoints all Council members. All Council members serve at the discretion of the Secretary of Commerce. Council members shall serve in a representative capacity, representing the views and interests of a U.S. entity in the manufacturing industry and its particular sector. For the purposes of eligibility, a U.S. entity is defined as a firm incorporated in the United States (or an unincorporated firm with its principal place of business in the United States) that is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. entity if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is controlled, directly or indirectly, by non-U.S. citizens or non-U.S. entities.

As noted above, Council members serve in a representative capacity, expressing the views and interests of a U.S. entity; they are, therefore, not Special Government Employees. Council members receive no compensation for their participation in Council activities. Members participating in Council meetings and events are responsible for their travel, living and other personal expenses. Meetings are held regularly and not less than annually, usually in Washington, DC. Members are required to attend a majority of the Council's meetings.

To be considered for membership, please provide the following:

1. Name and title of the individual requesting consideration.

2. A sponsor letter from the applicant on his or her entity's letterhead or, if the applicant is to represent an entity other than his or her employer, a letter from the entity to be represented, containing a brief statement of why the applicant should be considered for membership on the Council. This sponsor letter should also address the applicant's manufacturing-related experience, including any manufacturing trade policy experience.

3. The applicant's personal resume.

4. An affirmative statement that the applicant meets all eligibility criteria.

5. An affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

6. An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that, if appointed, the applicant will not be allowed to continue to serve as a Council member if the applicant becomes a federally registered lobbyist.

7. Information regarding the control of the entity to be represented, including the governing structure and stock holdings, as appropriate, demonstrating compliance with the criteria set forth above.

8. The entity's size, place of incorporation or principal place of business, ownership, product or service line and major markets in which the entity operates.

9. Please include all relevant contact information such as mailing address, fax, email, phone number, and support staff information where relevant.

10. Please indicate if the applicant has an interest in serving on the Economic Security Commission subcommittee, if appointed, and highlight any experience relevant to the work of the subcommittee.

Dated: September 10, 2012.

Jennifer Pilat,

Executive Secretary, The Manufacturing Council.

[FR Doc. 2012–22733 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC234

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Recreational Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, October 3, 2012 at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (978) 535–4600; fax: (978) 535–8238.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Recreational Fishing Advisory Panel (RAP) will meet to discuss Northeast Multispecies management measures for fishing year 2013 and beyond. The panel will: Review FY 2011 catches and potential FY 2013 recreational allocations; receive a report on a model developed for crafting recreational measures; discuss potential recreational fishing measures for Gulf of Maine (GOM) cod, Georgs Bank (GB) cod, GOM haddock and other stocks; consider such measures as bag limits, minimum size adjustments, seasons or closed areas; consider using measures that differ between the party/charter and private fleets; discuss Annual Catch Limits (ACLs) and Accountability Measures (AMs) and may recommend changes to how these are implemented for the groundfish fishery; discuss commercial fishing activity in the inshore GOM and the possible effects it may have on recreational fishing opportunities. Other business may be discussed.

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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 11, 2012.

William D. Chappell,

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

[FR Doc. 2012–22732 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC217

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 a public meeting.

SUMMARY: The SEDAR Steering Committee will meet via webinar to discuss the SEDAR process and assessment schedule. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Steering Committee will meet on Wednesday, October 3, 2012, 9:30 a.m. to 12:30 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact John Carmichael at the South Atlantic Fishery Management Council (SAFMC) (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of the meeting.

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; email: *john.carmichael@safmc.net.*

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 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 activities. During this meeting, the Steering Committee will discuss the SEDAR process and assessment schedule for 2014–18.

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 **FOR FURTHER INFORMATION CONTACT**) at least 10 business days prior to the meeting.

Dated: September 11, 2012.

William D. Chappell,

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

[FR Doc. 2012–22734 Filed 9–13–12; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Proposed Additions

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

ACTION: Proposed Additions to the Procurement List.

SUMMARY: The Committee is proposing to add a product and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: 10/15/2012.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

For Further Information or To Submit Comments Contact: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product and services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product and services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product

NSN: 5120–00–NIB–0029—Digger, Posthole, Industrial Grade, 48″ Fiberglass Handle, Cushioned Grip

NPA: Keystone Vocational Services, Inc., Sharon, PA.

Contracting Activity: General Services Administration, Tools Acquisition Division I, Kansas City, MO.

COVERAGE: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Services

Service Type/Location: Custodial Service, Assistant Special Agent in Charge (ASAC), San Angelo Homeland Security Investigations, 5575 Stewart Lane, San Angelo, TX.

NPA: Enterprise Professional Services, Inc., Austin, TX.

Contracting Activity: Dept of Homeland Security, U.S. Immigration and Customs Enforcement, Mission Support Dallas, Dallas, TX.

Service Type/Location: Hospital Housekeeping, Raymond W. Bliss Army Health Center (RWBAHC), 2240 E Winrow Avenue, Ft Huachuca, AZ.

NPA: Enterprise Professional Services, Inc., Austin, TX.

Contracting Activity: Dept of the Army, W40M USA MEDCOM HCAA, Fort Sam Houston, TX.

Service Type/Location: Custodial Services, Customs and Border Protection, Checkpoint 802, S–2 Hwy, MM 56.1, Ocotillo, CA.

NPA: Imperial County Work Training Center, Inc., El Centro, CA.

Contracting Activity: U.S. Customs and Border Protection, Border Enforcement Contracting Division, Washington, DC.

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2012–22687 Filed 9–13–12; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 12–1]

Notice of Telephonic Prehearing Conference

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Notice of telephonic prehearing conference in the matter of Maxwell and Oberton Holdings, LLC, Docket No. 12–1.

DATES: September 19, 2012, at 10 a.m. (CDT).

ADDRESSES: See Supplementary Information: Telephonic conferencing arrangements.

FOR FURTHER INFORMATION CONTACT: Katy J.L. Duke, Esq., U.S. Coast Guard ALJ Program, 504/671–2213.

SUPPLEMENTARY INFORMATION: Any or all of the following shall be considered during the prehearing conference:

(1) Petitions for leave to intervene;

(2) Motions, including motions for consolidation of proceedings and for certification of class actions;

(3) Identification, simplification and clarification of the issues;

(4) Necessity or desirability of amending the pleadings;

(5) Stipulations and admissions of fact and of the content and authenticity of documents;

(6) Oppositions to notices of depositions;

(7) Motions for protective orders to limit or modify discovery;

(8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;

(9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;

(10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;

(11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;

(12) Consideration of offers of settlement;

(13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and

(14) Such other matters as may aid in the efficient presentation or disposition of the proceedings. Telephonic conferencing arrangements will be made by the court. Mary B. Murphy, Esq., Jennifer Argabright, Esq., Sarah Wang, Esq., Counsel for the U.S. Consumer Product Safety Commission, shall be contacted by a third party conferencing center at 301/504–7809. Eric C. Tew, Esq. and Paul M. Laurenza, Esq., counsel for Respondent Maxwell and Oberton Holdings, LLC (Respondent) shall be contacted by a third party conferencing center at 202/906–8646.

Authority: Consumer Product Safety Act (Sec. 15, 20, 27 (15 U.S.C. 2064, 2069, 2076), the Flammable Fabrics Act (Sec. 5, 15 U.S.C. 1194), the Federal Trade Commission Act (15 U.S.C. 45).

Dated: September 11, 2012.

Todd A. Stevenson,

Secretary.

[FR Doc. 2012–22695 Filed 9–13–12; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Notice

The Board of Directors of the Corporation for National and Community Service gives notice of the following meeting:

DATE AND TIME: Wednesday, September 19, 2012, 10:00–11:30 a.m.

PLACE: The Washington Hilton Hotel, 1919 Connecticut Avenue NW., Washington, DC 20525.

CALL-IN INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–982–4693 conference call access code number 8625464. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and CNCS will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Replays are generally available one hour after a call ends. The toll-free phone number for the replay is 800–860–4709. The end replay date is October 3, 2012, 10:59 p.m. (CT).

STATUS: Open.

MATTERS TO BE CONSIDERED:

I. Chair's Opening Comments
  a. Call to Order, Welcome, and Preview of Today's Meeting Agenda
  b. Introduction & Acknowledgements
  c. Swearing-in New Board Members
  i. Matt McCabe
  ii. Lisa Garcia Quiroz
  d. Summary of Retreat
  e. Momentum & Budget
II. Consideration of Previous Meeting's Minutes
III. CEO Report
IV. Discussions, Deliberations and Official Actions
V. Public Comments
VI. Final Comments & Adjournment

Members of the public who would like to comment on the business of the Board may do so in writing or in person. Individuals may submit written comments to *jmauk@cns.gov* subject line: SEPTEMBER 2012 CNCS BOARD MEETING by 4:00 p.m. e.t. on Friday, September 14th. Individuals attending the meeting in person who would like to comment will be asked to sign-in upon arrival. Comments are requested to be limited to 2 minutes.

REASONABLE ACCOMMODATIONS: The Corporation for National and Community Service provides reasonable accommodations to individuals with disabilities where appropriate. Anyone who needs an interpreter or other accommodation should notify Ida Green at *igreen@cns.gov* or 202–606–6861 by 5 p.m., September 14, 2012.

CONTACT PERSON FOR MORE INFORMATION: Jenny Mauk, Special Assistant to the Chief Executive Officer, Corporation for National and Community Service, 1201 New York Avenue NW., Washington, DC 20525. Phone: (202) 606–6615. Fax: (202) 606–3460. TTY: (800) 833–3722. Email: *jmauk@cns.gov.*

Dated: September 11, 2012.

Valerie Green,

General Counsel.

[FR Doc. 2012–22839 Filed 9–12–12; 4:15 pm]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS); Correction

AGENCY: Department of Defense.

ACTION: Notice; correction.

SUMMARY: On September 5, 2012 (77 FR 54568–54569), the Defense Advisory Committee on Women in the Services gave notice of a meeting to be held September 27, 2012, from 8:30 a.m. to 4:30 p.m. and September 28, 2012, from 1 p.m. to 4:30 p.m. in Alexandria, Virginia. Pursuant to Section 10(a), Public Law 92–463, as amended, the Department of Defense announces that the agenda for the September 27, 2012 meeting has changed. Also, the time for oral presentations by members of the public has been changed. Oral presentations by members of the public will now be permitted only on Thursday, September 27, 2012 from 3:15 p.m. to 4 p.m. in front of the full Committee. All other information in the notice remains the same.

Meeting Agenda

Thursday, September 27, 2012, 8:30 a.m.–4:30 p.m.

—Welcome, introductions, and announcements.
—Briefings—Service Retention Programs.
—Summary of Canada Visit.
—Briefing—Strategic Direction on Sexual Assault and Response Update.
—Briefing—Australian Defence Force Update.
—Briefing—Body Armor Demonstration.
—Public Comment Period.

ADDRESSES: Sheraton Suites, 801 North Saint Asaph St., Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at telephone (703) 697–2122 or email *Robert.bowling@osd.mil.*

Dated: September 11, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–22706 Filed 9–13–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID USA–2012–0011]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to reinstate two systems of records.

SUMMARY: The Department of the Army proposes two reinstate a systems of records in its inventory of record systems to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. After review, it has been determined that the records covered under these previously deleted notices (see 77 FR 13571–13573 and 77 FR 13573–13574, March 7, 2012) are not covered elsewhere as stated; therefore these notices are being reinstated.

DATES: This proposed action will be effective on October 15, 2012 unless comments are received which result in a contrary determination. Comments will be accepted on or before October 15, 2012.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22315–3827 or by phone at 703–428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The Department of the Army proposes to reinstate two systems of records in its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The previous system of records notice is being republished in its entirety, below. The reinstatement is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 11, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0015–34 AHRC

SYSTEM NAME:

Army Civilian/Military Service Review Board.

SYSTEM LOCATION:

U.S. Army Human Resources Command, 1 Reserve Way, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians or contractual personnel (or their survivors) who were members of a group certified to have performed active military service with the Armed Forces of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application of individuals for recognition of service, evidence that supports claim of membership in an approved group, name, address, date of birth, social security number, action of the Army Civilian/Military Service Review Board, Certificate of Release or Discharge from Active Duty, Honorable Discharge Certificate, General Discharge Certificate, and/or Report of Casualty as appropriate, and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 38 U.S.C. 106, Certain service deemed to be active service; Public Law 105–368, Veterans Benefits Enhancement Act of 1998; Public Law 95–202, GI Bill Improvement Act; DoD Directive 1000.20, Active Duty Service Determinations for Civilian or Contractual Groups; Army Regulation 15–34 Department of the Army Individual Service Review Board; and E.O. 9397 (SSN).

PURPOSE(S):

To determine whether individual applicants were members of civilian or contractual groups approved as having rendered service to the Army and whose service constitutes active military service, and to issue appropriate discharge or casualty documents, including applicable pay and equivalent rank or grade.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: Copy of Certificate of Release or Discharge from Active Duty is furnished to the Department of Veterans Affairs for benefit entitlements.

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Papers stored in file folders.

RETRIEVABILITY:

By applicant's surname.

SAFEGUARDS:

Information is accessible only to designated persons having official need therefore in the performance of their duties. During non-duty hours, guards assure that records areas are secured.

RETENTION AND DISPOSAL:

Control cards are permanent; maintain in current file area for 20 years then offer to National Archives and Records Administration, 700 Pennsylvania Avenue NW., Washington, DC 20408. Approved requests result in the creation of an Official Military Personnel File, containing Certificate of Release or Discharge from Active Duty, Honorable Discharge Certificate, General Discharge Certificate, and/or Report of Casualty as appropriate, which is retired permanently, to National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100. Documentation relating to disapproved requests are maintained for 2 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Human Resources Command, 1 Reserve Way, St. Louis, MO 63132–5200.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Human Resources Command, 1 Reserve Way, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name at the time of the recognized military service, date and place of birth, details concerning affiliation with group certified to have performed active duty with the Army, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Human Resources Command, 1 Reserve Way, St. Louis, MO 63132–5200.

For verification purposes, individual should provide the full name at the time of the recognized military service, date and place of birth, details concerning affiliation with group certified to have performed active duty with the Army, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, contesting contents, and appealing initial agency determinations are published in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0602 AHRC–ARI

SYSTEM NAME:

Behavioral and Social Sciences Research Project Files.

SYSTEM LOCATION:

U.S. Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600 and field offices located at Fort Benning, GA; Boise, ID; Mannheim, Germany; Naval Training Center, Orlando, FL; Fort Hood, TX; Fort Knox, KY; Fort Leavenworth, KS; Fort Bragg, NC; and Fort Rucker, AL. Official

mailing addresses are published as an appendix to the Army's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former officer, warrant officer, and enlisted military personnel, including Army Reservists and National Guard; family members of the above service members; civilian employees of Department of Defense; and samples of civilians from the general U.S. population who are surveyed to determine why people do or do not consider military service as a career or a short-term employment option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Service member: Individual's name and Social Security Number, Army personnel records and questionnaire-type data relating to service member's pre-service education, work experience and social environment and culture, learning ability, physical performance, combat readiness, discipline, motivation, attitude about Army life, and measures of individual and organizational adjustments; test results from Armed Services Vocational Aptitude Battery and Skill Qualification Tests.

Non-service member: Individual's name and Social Security Number, and questionnaire type data relating to non-service member's education, work experience, motivation, knowledge of and attitude about the Army. When records show military service or marriage to a service member, the appropriate non-service records will be linked to the service record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To research manpower, personnel, and training dimensions inherent in the recruitment, selection, classification, assignment, evaluation, and training of military personnel; to enhance readiness effectiveness of the Army by developing personnel management methods, training devices, and testing of weapons methods and systems aimed at improved group performance. (No decisions affecting an individual's rights or benefits are made using these research records).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, CD–ROM, computer disks, and magnetic tape.

RETRIEVABILITY:

By individual's name and/or Social Security Number. For research purposes, the data are usually retrieved and analyzed with respect to relative times of entry into service, training performance, and demographic values. Scheduled data for follow-up data collections however, are retrieved by month of scheduled follow-up and by name.

SAFEGUARDS:

Access to records is restricted to authorized personnel having official need therefore. Automated data are further protected by controlled system procedures and code numbers governing access.

RETENTION AND DISPOSAL:

Information is retained until completion of appropriate study or report, after which it is destroyed by shredding or erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: AHRC–ARI–ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: AHRC–ARI–ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of survey, if known.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Director, U.S. Army Research Institute for Behavioral and Social Sciences, ATTN: AHRC–ARI–ASZ, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Individual should provide the full name, Social Security Number, current address, subject area, and the year of survey, if known.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, his or her peers, or, in the case of ratings and evaluations, from supervisors.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2012–22718 Filed 9–13–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearings for the Draft Environmental Impact Statement for Medical Facilities Development and University Expansion, Naval Support Activity Bethesda, Maryland

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations parts 1500–1508), the Department of the Navy (DoN) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (EIS) to evaluate the potential environmental effects of Medical Facilities Development (MFD) and University Expansion at Naval Support Activity (NSA) Bethesda, MD.

The purpose of the MFD proposed action is to implement the Congressional mandate from the Fiscal Year (FY) 2010 National Defense Authorization Act (NDAA) to achieve the new statutory world-class standards for military medicine at the Walter Reed National Military Medical Center

(WRNMMC) by providing enduring medical facilities commensurate in quality, capability and condition as those provided by the 2005 Base Realignment and Closure (BRAC) investment. The 2005 BRAC program was designed to accommodate transfer of Walter Reed Army Medical Center (WRAMC) to WRNMMC but not address mission capability or improvements of the existing infrastructure. The MFD is needed because current space is insufficient to meet world-class standards.

The purpose of the University Expansion of the Uniformed Services University of the Health Sciences (USU) is to provide adequate education and research space to meet Military Health System (MHS) commitments to deliver training and post-graduate level education to the military medical community and enable USU to serve as the core academic health research center at WRNMMC. The University Expansion is needed because current operations are dispersed between the main USU buildings and nineteen facilities comprising off-site leased locations in Montgomery County and other buildings on NSA Bethesda. Operations are fragmented and insufficient to meet education and research space requirements as well as Liaison Committee on Medical Education (LCME) accreditation requirements.

NSA Bethesda is the action proponent and Joint Task Force National Capital Region Medical, WRNMMC, and USU are tenants of NSA Bethesda. There are no cooperating agencies for the EIS.

The EIS considers the 2012 NSA Bethesda Master Plan relative to the implementation of the MFD and University Expansion. The EIS evaluates the direct, indirect, and cumulative impacts of the proposed actions in the context of the programmed projects already in progress and the programmatic effects of the potential future development opportunities identified in the 2012 NSA Bethesda Master Plan.

The DoN will conduct two public hearings to receive oral and written comments on the Draft EIS. Federal, state, and local agencies, elected officials, and other interested individuals and organizations are invited to be present or represented at the public hearings. This notice announces the dates and locations of the public hearings for this Draft EIS.

Dates and Addresses: Public hearings will be held on the following dates and locations:

1. October 4, 2012 from 1 p.m. to 5 p.m. at the Bethesda Marriott, 5151 Pooks Hills Road, Bethesda, MD 20814; and

2. October 11, 2012 from 5 p.m. to 9 p.m. at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Both meetings will start with an open house session followed by a presentation by the DoN and a public hearing session, which will be transcribed by a court reporter. The open house session will allow individuals the opportunity to review summaries of the information presented in the Draft EIS. DoN representatives will be available during the open house sessions to clarify information related to the Draft EIS.

FOR FURTHER INFORMATION CONTACT: NSA Bethesda Public Affairs Office, Attn: Joseph Macri, 8901 Wisconsin Avenue, Bethesda, MD 20889, Email: *NNMC.NSABETHESDAEIS@med.navy.mil,* Phone: 301–295–1803, or Web site: *http://www.wrnmmc.capmed.mil/PatientVisitors/SitePages/EIS.aspx.*

SUPPLEMENTARY INFORMATION: A Notice of Intent (NOI) to prepare the EIS was published in the **Federal Register** on August 19, 2011 (76 FR 51957). The DoN held two public scoping meetings on September 7, 2011 and September 12, 2011 at the Pooks Hills Marriott, Bethesda, MD.

The proposed actions would enhance and support but not add to the missions of the installation, medical center, or the USU.

The MFD proposed action includes:

1. Demolition of five hospital buildings (Buildings 2, 4, 6, 7, and 8) and construction of a single 5-story replacement facility in the same footprint (Medical Center Addition and Alterations—MCAA);

2. Construction of a 500-space underground parking garage for visitors, patients, and very important persons (VIPs);

3. Utility capacity upgrades;

4. Temporary medical facilities to maintain uninterrupted patient care during construction;

5. Internal renovations of five hospital buildings (Buildings 1, 3, 5, 9, and 10);

6. Internal and external renovation of a workshop/warehouse to office space (Building 13); and

7. Accessibility and appearance improvement projects.

The internal and external renovation of a workshop/warehouse to office space was added to the MFD proposed action after the NOI and public scoping period.

The University Expansion proposed action includes:

1. Construction of a 341,151 square-foot (SF) education and research facility (Building F);

2. Construction of a 400-space staff parking garage; and

3. Internal renovations to existing USU buildings.

The purpose of the MFD proposed action is to implement the Congressional mandate from the FY 2010 NDAA to achieve the new statutory world-class standards for military medicine at the WRNMMC by providing enduring medical facilities commensurate in quality, capability and condition as those provided by the 2005 BRAC investment. The MFD is needed because current space is insufficient to meet world-class standards such as, single occupancy patient rooms, a state-of-the-art simulation center, and a health innovation center.

The purpose of, and need for, the MFD were identified subsequent to the programming for BRAC 2005. The BRAC 2005 construction was specifically designed to accommodate the transfer of WRAMC to WRNMMC and restricted BRAC funding to projects related to accommodating BRAC relocation. Therefore, parts of the medical center did not undergo renovation or improvement during BRAC construction because that program was never intended to address the mission capability or functionality of the existing infrastructure.

The MFD would allow space for single-patient rooms and in-fill development for consolidating units to better serve the patient population. The development would also provide space for world-class features such as a state-of-the-art simulation center and a health innovation center. The proposed parking garage would serve visitors, patients, and VIPs using the medical facilities and meet the overall parking needs across NSA Bethesda. The proposed utility improvements would provide the additional capacity and repairs required. Utility capacity at NSA Bethesda is essentially at equilibrium, with only a small margin of excess capacity. The WRNMMC Master Plan concluded that any development of future facilities would require additional electrical capacity and that a large percentage of the utility services at NSA Bethesda are either nearing capacity or is in need of significant repair. The accessibility and appearance improvement projects provide accessible and aesthetically pleasing pedestrian pathways focused on wounded warriors, their special needs, and the staff helping them to adjust to their new challenges. These projects are needed because currently there are deficiencies in existing pathways or a lack of pathways that make areas of the installation inaccessible to wounded

warriors and other disabled patients. The internal and external renovations to the warehouse/workshop (Building 13) would convert the current facility to administrative space. The renovations would provide a consolidated location for security services currently in fragmented and temporary spaces at NSA Bethesda.

The purpose of the University Expansion is to provide adequate education and research space to meet MHS commitments to deliver training and post-graduate level education to the military medical community and enable USU to serve as the core academic health research center at WRNMMC. The University Expansion would address the most recent LCME accreditation requirements to provide additional space for student-centered learning, small-group teaching, and technological innovation. The University Expansion is needed because current operations are dispersed between the main USU buildings and nineteen facilities comprising off-site leased locations in Montgomery County, MD and other buildings on NSA Bethesda. Operations are fragmented and insufficient to meet education and research space requirements as well as the LCME accreditation requirements.

The MFD proposed action resulted from an iterative planning process from the Comprehensive Master Plan for the National Capital Region Medical (CMP), which identified and evaluated alternatives based on the departmental needs anticipated at the WRNMMC after the completion of the BRAC-mandated relocations in September 2011. Selection criteria were based on mandates from the Defense Health Board Study and the 2010 NDAA and were used to identify alternatives that were ''reasonable'' (i.e., practical and feasible). Selection criteria included:

1. Patient care—provide adequate quantity of single patient rooms; allow on-site separation of inpatient and ambulatory services; provide an improved surgical suite, including operating rooms, support areas, and perioperative flow and configuration; provide adequate space for centers of excellence and clinics; incorporate evidence-based design; include expansion of technology; and allow for operational efficiency;

2. Teaching hospital—provide adequate space and infrastructure for Simulation Center design and configuration, classroom and meeting spaces/learning environment, medical center auditorium, and DoN medical manpower personnel training and education;

3. Physical plant—provide adequate infrastructure/utilities, sustainability features, infrastructure/facilities parking capacity, and enhanced public support and amenities required;

4. Cost factors—based on an eight-year construction period and a 30-year economic life for the facilities, provide the most economical value over the life of the asset, taking into consideration operational and energy costs in addition to the initial capital investment for construction/renovation; and

5. Construction impacts—minimize temporary relocation/facilities and disruption to operations.

The CMP development process identified the proposed action as the best approach to meet the Congressional mandate for world class facilities commensurate in quality, capability, and condition with the BRAC investment. Reasonable alternatives were carried forward in the Draft EIS analysis.

The Draft EIS considers the No Action Alternative and the MFD with four alternative parking facility sites on NSA Bethesda:

1. No Action Alternative—evaluates the impact at NSA Bethesda in the event that the proposed action does not occur. Neither demolition/construction nor renovation would occur, and staffing at NSA Bethesda would not change. The No Action Alternative would not provide WRNMMC with facilities to accommodate the DoD healthcare mission, including the attributes of the new statutory, world-class standards for military medicine as mandated by 2010 NDAA. The No Action Alternative is considered in accordance with Section 1502.14(d) of the NEPA regulation.

2. MFD—demolition of five hospital buildings, construction of a single 5-story replacement facility, a parking garage, utility capacity upgrades, temporary medical facilities, internal renovations of five hospital buildings, internal and external renovations of a workshop/warehouse to office space (Building 13), and accessibility and appearance improvement projects.

a. Underground parking garage (Preferred)—construction of an approximately 225,000 SF, 500-space underground parking garage west of Building 1 on the installation;

b. Warehouse Area parking garage—construction of an approximately 29,200 SF footprint, up to 6-story above ground parking garage in the existing industrial and warehouse area located in the northeast corner of the installation;

c. Taylor Road Facilities parking garage—construction of an approximately 28,450 SF footprint, up to 5-story above ground parking garage located in the northeast area of the installation; and

d. H-Lot parking garage—construction of an approximately 39,100 SF footprint, up to 6-story above ground parking garage in the south area of the installation.

The 2008 National Naval Medical Center Master Plan identified an area south of the University campus for facility expansion. Since the 2008 Master Plan, a second location west of the USU campus was identified as a potential site for the expansion. These sites were selected based on the following selection criteria:

1. Address LCME accreditation requirements;

2. Unify 19 departments, activities, and centers currently dispersed in NSA Bethesda buildings or in leased space in and around Rockville, MD;

3. Resolve space constraints following BRAC integration; and

4. Position the USU for sustained relevancy as a competitive and lead academic institution for medical education and biomedical science research, and so enable the WRNMMC endeavors to achieve status as a World Class Academic Health Center.

The Draft EIS considers the No Action Alternative and two alternative sites for the University Expansion. Both alternative sites involve construction of an approximately 341,151 SF education and research facility (Building F) and an approximately 144,000 SF, 400-space parking structure that will serve USU and the overall parking needs across NSA Bethesda:

1. Alternative 1 site—would be located south of the USU campus on a forested lot east of Grier Road. Building F and the above ground parking garage would be located in two separate buildings.

2. Alternative 2 site (preferred)—would be located west of the current USU campus on a developed parking lot and adjacent to the Armed Forces Radiobiology Research Institute (AFRRI). Building F and the above ground parking garage would be located in one structure with the garage under Building F.

3. No Action Alternative—evaluates the impact at NSA Bethesda in the event that the proposed action does not occur. The No Action Alternative would not allow construction of an education and research facility, parking garage, and renovations to USU buildings. USU would continue to operate sub-optimally in 19 dispersed departments, centers, and activities in inadequate and temporary spaces at NSA Bethesda or in off-campus leased locations in Montgomery County, Maryland. LCME

accreditation of USU would be in jeopardy, and the institution would not be able to provide adequate education and research space to meet its MHS commitments. The No Action Alternative is considered in accordance with Section 1502.14(d) of the NEPA regulation.

The Draft EIS evaluates the potential environmental effects associated with the MFD and University Expansion. The proposed actions and alternatives were evaluated within several environmental resource areas: Geology, topography, and soils; surface water and groundwater; floodplains; wetlands; vegetation; wildlife; aquatic and wetland habitat; threatened and endangered species; air quality; noise; utilities and infrastructure; transportation and traffic; cultural resources; land use and aesthetics; socioeconomics and environmental justice; and human health and safety. Methods to avoid, reduce or minimize impacts to affected resources are addressed. The analysis includes an evaluation of the direct, indirect, and cumulative impacts.

The Draft EIS finds that overall there would be minor impacts to geology, topography, and soils. The Draft EIS finds that the proposed MFD and parking garage alternatives would result in a minimal increase in impervious surface area and minimal impacts to biological resources because new facilities would be constructed on existing developed or landscaped areas. The increase in storm water runoff resulting from the increase in impervious surface would be controlled with storm water management and erosion and sediment control measures.

The Draft EIS finds that for the MFD, the underground parking garage alternative (preferred) would require excavation of the lawn in front of Building 1; no adverse effects on Building 1 are anticipated if the ingress/egress is designed in accordance with the Secretary of Interior standards. The underground parking garage alternative would interact with groundwater and would require dewatering system. The Draft EIS finds that there would be no significant impacts to floodplains. The Draft EIS finds that approximately 0.11 acres of the Stoney Creek Trail Improvements would occur along Stoney Creek in the vicinity of the areas that are considered to be potential wetlands. The final design layout and construction of the trail improvements in these areas would seek to avoid the potential wetland areas to the maximum extent possible.

The Draft EIS finds that emissions of air pollutants from the proposed MFD during construction and operations would not exceed de minimis levels or ambient standards established by the United States Environmental Protection Agency (USEPA) for protection of the airshed and thus air quality impacts would not be significant. The Draft EIS finds that there would be no significant increase in greenhouse gases.

The Draft EIS finds that short-term increases in noise levels would occur during construction that are typical of construction activities; for some components of the proposed action, depending on distance between sensitive receptors on NSA Bethesda and construction areas, noise mitigation measures could be required.

The Draft EIS finds that impacts on aquatic and wetland habitats would primarily be temporary during construction and those impacts would be minimized. Per DoN's communication with the United States Fish and Wildlife Service (USFWS), except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project areas for the proposed actions. Therefore, the DoN would not be required to consult with USFWS to satisfy Section 7 of the Endangered Species Act (ESA). Per DoN's communication with the Maryland Department of Natural Resources, the agency has determined that there are no state or Federal records for rare, threatened, or endangered species within the boundaries of the project sites; therefore, the agency does not have specific comments or requirements pertaining to protection measures at this time.

The Draft EIS finds that the proposed MFD and parking garage alternatives would generate new staff trips (50 new staff) and shift patient or staff trips within the installation roadway network. However, no significant impacts on external traffic would occur as a result of the MFD or any of the parking garage alternatives.

Formal consultation under the National Historic Preservation Act with appropriate agencies such as the Maryland Historical Trust by the DoN is ongoing to ensure avoidance, minimization, and/or mitigation of any potential adverse effects on historic properties at NSA Bethesda including Building 1, Central Tower Block, or Buildings 3 and 5.

The Draft EIS finds that the proposed updates to the utilities would provide the required support to the MFD. The DoN is coordinating with the utilities service providers to ensure that the proposed changes would not affect service delivery to the larger community.

The Draft EIS finds that the proposed MFD is compatible with existing land use plans and land use planning underway within NSA Bethesda. Aesthetic impacts from construction activities would be temporary and cease upon their completion. Beneficial economic impacts to the surrounding economy are anticipated, resulting from the investment in construction and renovations of facilities but would not have a significant impact on the local economy. There would be no disproportionately high or adverse impacts on minority, low-income populations, or children. Adherence to applicable regulations and guidance will avoid impacts to human health and safety.

The Draft EIS finds that overall there would be minor impacts to geology from either of the University Expansion alternatives. The Draft EIS finds that proposed University Expansion Alternative 1 would require clearing of forested area, extensive cut and fill and grading, and result in approximately 2.8 acres of new impervious surface. The loss of forested area would result in direct loss of wildlife habitat. University Expansion Alternative 2 is the preferred site and would be located in an existing parking lot and landscaped area and would require less new impervious surface (1.6 acres). The increase in runoff resulting from the increase in impervious surface from either of the University Expansion alternatives would be controlled with storm water management and erosion and sediment control measures. Under University Expansion Alternative 1, an approved sediment and erosion control plan and stormwater Best Management Practices would reduce runoff and potential pollutants carried to University Pond, preventing any potential impacts on the wetland on the northeast side of the pond. Per DoN's communication with the USFWS except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the either of the University Expansion alternatives. Therefore, the DoN would not be required to consult with USFWS to satisfy Section 7 of ESA.

Under University Expansion Alternative 1, the conversion of forested area to impervious surfaces would permanently impact the previously undisturbed infiltration area. However, NSA Bethesda would ensure that precipitation and runoff from impervious surfaces would be conveyed through stormwater control structures to the natural drainage system.

The Draft EIS finds that emissions of air pollutants from the proposed University Expansion alternatives during construction and operations would not exceed de minimis levels or ambient standards established by the USEPA for protection of the airshed and thus air quality impacts would not be significant. The Draft EIS finds that there would be no significant increase in greenhouse gases.

The Draft EIS finds that under University Expansion Alternative 2, short–term increases in noise levels would occur during construction and noise mitigation measures could be required.

The Draft EIS finds that there is sufficient capacity for telecommunication to support either of the University Expansion alternatives. There is sufficient power to support the expansion via an independent electrical feeder; however the DoN will coordinate with the utility service provider to confirm the capacity once the exact requirements are known. For the increase in demand for potable water and natural gas, the initial utility coordination is based on the building footprint and the DoN will confirm the capacity once the design work is completed and exact requirements are known. The DoN is also coordinating with the utilities service providers to ensure that the proposed changes would not affect service delivery to the larger community. University Alternative 1 would require steam/chilled water lines to travel a longer distance to connect to existing systems compared to Alternative 2.

The Draft EIS finds that either of the proposed University Expansion alternatives would generate new staff trips from the consolidated staff (220) and would also either shift patient or staff trips within the installation roadway network. However, because the staff is current USU personnel that already travel within the area, no significant impacts on external traffic would occur as a result of either of the University Expansion alternatives.

The Draft EIS finds that there would be no impacts to historic properties University Expansion Alternative 1. University Expansion Alternative 2 would not have any adverse effects on the integrity of the National Register of Historic Places eligible AFRRI.

The Draft EIS finds that the proposed University Expansion is compatible with existing land use plans and land use planning underway within NSA Bethesda. The Draft EIS finds that University Expansion Alternative 1 would impact forested areas and would alter the visual characteristics of the area; the DoN would ensure that the design of the building would minimize the removal of trees to the extent possible. University Expansion Alternative 2 would offer the potential for fostering a continuous campus feel between AFRRI and USU; visual character of the area would not change noticeably.

The Draft EIS finds that either of University Expansion alternatives would have beneficial economic impacts to the surrounding economy, resulting from the investment in construction and renovation of facilities but would not have a significant impact on the local economy. There would be no disproportionately high or adverse impacts on minority, low-income populations, or children. Adherence to applicable regulations and guidance will avoid impacts to human health and safety.

The decision to be made by the DoN is to determine which of the MFD and University Expansion alternatives to implement based upon operational needs and the reasonably foreseeable environmental impacts identified in the EIS.

The Draft EIS was distributed or made available to Federal, state, and local agencies, elected officials, and other interested individuals and organizations. The public comment period will end on October 29, 2012. The Draft EIS is also available for public review at the following local libraries and public facilities:

1. Bethesda Library, 7400 Arlington Road, Bethesda, MD 20814;
2. Chevy Chase Library, 8005 Connecticut Avenue, Chevy Chase, MD 20815;
3. Davis Library, 6400 Democracy Boulevard, Bethesda, MD 20817;
4. Kensington Park Library, 4201 Knowles Avenue, Kensington, MD 20895;
5. Rockville Library, 21 Maryland Avenue, Rockville, MD 20850; and
6. Bethesda-Chevy Chase Regional Services Center, 4805 Edgemoor Lane, Bethesda, MD 20814.

The Draft EIS is also available for public viewing at the following Web site: *http://www.wrnmmc.capmed.mil/PatientVisitors/SitePages/EIS.aspx.* The executive summary or a single compact disc of the Draft EIS will be made available upon written request by contacting: NSA Bethesda Public Affairs Office, Attn: Joseph Macri, 8901 Wisconsin Avenue, Bethesda, MD 20889.

Federal, state, and local agencies, elected officials, and interested individuals and organizations are invited to be present or represented at the public hearings. Written comments can also be submitted during the open house sessions preceding the public hearings. Oral statements will be heard and transcribed by a court reporter; however, to ensure the accuracy of the record it is encouraged that all statements also be submitted in writing. All statements, both oral and written, will become part of the public record on the Draft EIS and will be responded to in the Final EIS. Equal weight will be given to both oral and written statements. In the interest of available time, and to ensure all who wish to give an oral statement have the opportunity to do so, each speaker's comments will be initially limited to three (3) minutes. If a long statement is to be presented, it should be summarized at the public hearing with the full text submitted either in writing at the hearing, or via mail, email, or online to: NSA Bethesda Public Affairs Office, Attn: Joseph Macri, 8901 Wisconsin Avenue, Bethesda, MD 20889, Email: *NNMC.NSABETHESDAEIS@med.navy.mil,* Web site: *http://www.wrnmmc.capmed.mil/PatientVisitors/SitePages/EIS* during the comment period. All written comments must be postmarked or received by October 29, 2012 to ensure they become part of the official record. All comments will be addressed in the Final EIS.

Dated: September 7, 2012.

C.K. Chiappetta,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2012–22701 Filed 9–13–12; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2012–0013]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend two Systems of Records.

SUMMARY: The Department of the Navy is amending two systems of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on October 15, 2012 unless comments are received which result in a contrary determination. Comments will be accepted on or before October 15, 2012.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Department of the Navy, DNS–36, 2000 Navy Pentagon, Washington, DC 20350–2000 or call 202–685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed changes to the record systems being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 11, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM01500–13

SYSTEM NAME:

Naval Postgraduate School Education Management System (PYTHON) (July 11, 2012, 77 FR 40865).

CHANGES:

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''None.''

N07250–1

SYSTEM NAME:

Navy Cash Financial System (June 29, 2012, 77 FR 38782).

CHANGES:

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''None.''

[FR Doc. 2012–22647 Filed 9–13–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2012–0016]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on October 15, 2012 unless comments are received which result in a contrary determination. Comments will be accepted on or before October 15, 2012.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, HEAD, FOIA/Privacy Act Policy Branch, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6546.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 28, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: September 11, 2012.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05813–1

SYSTEM NAME:

Professional Responsibility/Ethics File (July 30, 1999, 64 FR 41401).

CHANGES:

Delete entry and replace with ''N05800–2.''

SYSTEM NAME:

Delete entry and replace with ''Professional Responsibility Files.''

SYSTEM LOCATION:

Delete entry and replace with ''Office of the Judge Advocate General (Administrative Law) (Code 13), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

Office of the Chief Judge, Department of the Navy (Code 05) Washington Navy Yard, 1254 Charles Morris Street SE., Suite 320, Washington, DC 20374–5124.

Office of the Staff Judge Advocate to the Commandant of the Marine Corps, Headquarters United States Marine Corps, 3000 Marine Corps Pentagon (Room 4D556), Washington DC 20350–3000.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Civilian attorneys (U.S. Government and non-U.S. Government) and U.S. Armed Forces judge advocates (Active-Duty, Reserve and retired) who have practiced, or are practicing, in proceedings, or who practice or perform legal services under the supervision and cognizance of the Judge Advocate General of the Navy (JAG).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Full name, reports of investigation, correspondence, and court papers relating to professional responsibility/ethics complaints brought against attorneys; requests and related correspondence regarding the outside practice of law; documents related to

the good standing certification requirements of attorneys.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental regulations; 10 U.S.C. 806, Judge advocates and legal officers; 10 U.S.C. 826, Military judge of a general or special court-martial; 10 U.S.C. 827, Detail of trial counsel and defense counsel; 10 U.S.C. 1044, Legal Assistance; 32 CFR Part 776, Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General; Manual for Courts-Martial (MCM), Part II of the MCM, Rule for Courts-Martial, Part II Rule 109 of the MCM, Professional supervision of military judges and counsel; and Judge Advocate General Instruction 5803.1C, Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General.''

PURPOSE(S):

Delete entry and replace with ''To record the disposition of professional responsibility/ethics complaints; to provide a record of individual lawyers who are restricted or suspended from practice as attorneys, before courts-martial or other proceedings conducted under the Uniform Code of Military Justice (UCMJ), or in Navy and Marine Corps administrative proceedings, or as legal assistance attorneys, or in any other matter under JAG cognizance; to document professional responsibility/ethics violations and corrective action taken; and to provide a record of all outside practice of law requests.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To attorney licensing and/or disciplinary authorities as required to support professional responsibility investigations and proceedings.

The DoD Blanket Routine Uses that appear at the beginning of the Navy's compilation of system of records notices may apply to this system.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper file folders and electronic storage media.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Permanent. Records are retired to Washington National Records Center (WNRC) when 4 years old and transferred to National Archives and Records Administration (NARA) when 20 years old. Files with historical information required on a continuing basis may be retained as long as necessary before being retired to WNRC.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Assistant Judge Advocate General (Civil Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

Office of the Chief Judge, Department of the Navy (Code 05) Washington Navy Yard, 1254 Charles Morris Street SE., Suite 320, Washington, DC 20374–5124.

Office of the Staff Judge Advocate to the Commandant of the Marine Corps, Headquarters United States Marine Corps, 3000 Marine Corps Pentagon (Room 4D556), Washington DC 20350–3000.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the following offices, as appropriate:

For judicial conduct matters: Office of the Chief Judge, Department of the Navy (Code 05), Washington Navy Yard, 1254 Charles Morris Street SE., Suite 320, Washington, DC 20374–5124.

For Marine matters (not involving judicial conduct): Research and Civil Law Branch, Judge Advocate Division, HQMC (JAR), Office of the Staff Judge Advocate to the Commandant of the Marine Corps, Headquarters United States Marine Corps, 3000 Marine Corps Pentagon (Room 4D556), Washington, DC 20350–3000.

For all other matters: Deputy Assistant Judge Advocate General (Administrative Law) (Code 13), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

Written request should include the full name of the individual concerned and must be signed. The system manager will require a notarized signature as a means of proving the identity of the individual requesting access to records.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the following offices, as appropriate:

For judicial conduct matters: Office of the Chief Judge, Department of the Navy (Code 05), Washington Navy Yard, 1254 Charles Morris Street SE., Suite 320, Washington, DC 20374–5124.

For Marine matters (not involving judicial conduct): Research and Civil Law Branch, Judge Advocate Division, HQMC (JAR), Office of the Staff Judge Advocate to the Commandant of the Marine Corps, Headquarters United States Marine Corps, 3000 Marine Corps Pentagon (Room 4D556), Washington, DC 20350–3000.

For all other matters: Deputy Assistant Judge Advocate General (Administrative Law) (Code 13), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374–5066.

Written request should include the full name of the individual concerned and must be signed. The system manager will require a notarized signature as a means of proving the identity of the individual requesting access to records.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Department of the Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Correspondence from individuals, military judges, staff judge advocates, and other military personnel; correspondence from the Judge Advocate Generals of other branches of the Armed Forces; investigative reports from Naval Criminal Investigative Service other law enforcement agencies; and those appointed Investigating Officer by the Judge Advocate General of the Navy or the Navy JAGC Rules Counsel, correspondence from military or civilian attorney licensing authorities; and copies of court papers.''

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''Investigative material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any

right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.''

[FR Doc. 2012–22689 Filed 9–13–12; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review; Office of Special Education and Rehabilitative Services; Grantee Reporting Form—Rehabilitation Services Administration (RSA) Annual Payback Report

SUMMARY: The Annual Payback Report collects data on the status of ''current'' and ''exited'' RSA scholars who are/were the recipients of scholarships. The information collected will provide performance data relevant to the rehabilitation fields and degrees pursued by RSA scholars, as well as the fund owed and the rehabilitation work completed by them.

DATES: Interested persons are invited to submit comments on or before October 15, 2012.

ADDRESSES: Written comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov* or mailed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 04877. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that Federal agencies provide interested parties an early opportunity to comment on information collection requests. The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Grantee Reporting Form—Rehabilitation Services Administration (RSA) Annual Payback Report.

OMB Control Number: 1820–0617.

Type of Review: Revision.

Total Estimated Number of Annual Responses: 350.

Total Estimated Number of Annual Burden Hours: 350.

Abstract: Under section 302 of the Rehabilitation Act of 1973, as amended (Act), RSA has the authority to provide financial assistance, through academic institutions, to students seeking a career in rehabilitative services. Students who receive scholarships under this program are required to work within the public rehabilitation program, such as with a state vocational rehabilitation agency, or an agency or organization that has a service arrangement with a state vocational rehabilitation agency. The student is expected to work two years in such settings for every year of full-time scholarship support.

Section 302 (b)(2)(C) of the Act requires the academic institutions (i.e., grantees) that administer a RSA Long-Term Training program to track the employment status and location of former scholars supported under their grants in order to ensure that students are meeting the payback requirement. Program regulations at 34 CFR 386.34 require each grantee to establish and maintain a tracking system on current and former RSA scholars for this purpose.

Dated: September 10, 2012.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2012–22633 Filed 9–13–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program

AGENCY: Department of Education.

ACTION: Notice.

Overview Information: Privacy Act of 1974; Computer Matching Program between the U.S. Department of Education and the Department of Homeland Security, U.S. Citizenship and Immigration Services, formerly the Immigration and Naturalization Service

SUMMARY: This document provides notice of the continuation of a computer matching program between the Department of Education and the Department of Homeland Security, U.S. Citizenship and Immigration Services. The continuation is effective on the date in paragraph 5.

SUPPLEMENTARY INFORMATION: We provide this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) and the Computer Matching and Privacy Protections Amendments of 1990 (Pub. L. 101–508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A–130, Appendix I, 65 FR 77677 (December 12, 2000).

1. Names of Participating Agencies

The U.S. Department of Education (ED) and the U.S. Department of Homeland Security, Citizenship and Immigration Services (USCIS).

2. Purpose of the Match

The matching program entitled ''Verification Division USCIS/ED'' will permit ED to confirm the immigration status of alien applicants for, or recipients of, financial assistance under title IV of the Higher Education Act of 1965, as amended (HEA), as authorized by section 484(g) of the HEA (20 U.S.C.

1091(g)). The title IV programs include: The Federal Pell Grant Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, the Iraq and Afghanistan Service Grant Program, the Federal Perkins Loan Program, the Federal Work-Study Program, the Federal Supplemental Educational Opportunity Grant Program, the William D. Ford Federal Direct Loan Program, and the Gaining Early Awareness and Readiness for Undergraduate Programs.

3. Authority for Conducting the Matching Program

The information contained in the USCIS database is referred to as the Verification Information System (VIS), which is authorized under the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99–603. ED seeks access to VIS for the purpose of confirming the immigration status of applicants for assistance, as authorized by section 484(g) of the HEA, 20 U.S.C. 1091(g), and consistent with the title IV student eligibility requirements of section 484(a)(5) of the HEA, 20 U.S.C. 1091(a)(5). USCIS is authorized to participate in this immigration status verification under section 103 of the Immigration and Nationality Act, as amended, 8 U.S.C. 1103.

4. Categories of Records and Individuals Covered

The records to be used in the match and the roles of the matching participants are: Through the use of user identification codes and passwords, authorized persons from ED will transmit electronically data from its Privacy Act system of records entitled, ''Federal Student Aid Application File (18–11–01)'' to USCIS. The data will include the alien registration number, the first and last name, date of birth, current social security number, and gender of the alien applicant for, or recipient of, title IV, HEA program assistance. This action will initiate a search for corresponding data elements in a USCIS Privacy Act system of records entitled ''Verification Information System Records Notice (DHS–2007–0010).'' Where there is a match of records, the system will add the following data to the record and return the file to ED: The primary or secondary verification number, the date of entry into the U.S., the country of birth, the USCIS status code of the alien applicant or recipient, and a code indicating that the alien applicant or recipient was confirmed to be an eligible non-citizen or that this determination could not be made.

In accordance with 5 U.S.C. 552a(p), ED will not suspend, terminate, reduce, or make a final denial of any title IV, HEA program assistance to such individual, or take other adverse action against such individual, as a result of information produced by such a match, until (1)(a) ED has independently verified the information; or (b) the Data Integrity Board of ED determines in accordance with guidance issued by the Director of the OMB that (i) the information is limited to identification and amount of benefits paid by ED under a Federal benefit program; and (ii) there is a high degree of confidence that the information provided to ED is accurate; (2) the individual receives a notice from ED containing a statement of its findings and informing the individual of the opportunity to contest such findings by submitting documentation demonstrating a satisfactory immigration status within 30 days of receipt of the notice; and (3) 30 days from the date of the individual's receipt of such notice has expired.

5. Effective Dates of the Matching Program

The matching program will be effective on the latest of the following three dates: (A) October 18, 2012; (B) 30 days from the date ED publishes a Computer Matching Notice in the **Federal Register** as required by 5 U.S.C. 552a(e)(12); or, (C) 40 days from the date that ED transmits the report of the matching program, as required by 5 U.S.C. 552a(r), to OMB, the U.S. House Committee on Oversight and Government Reform, and the U.S. Senate Committee on Homeland Security and Governmental Affairs, unless OMB waives 10 days of the 40 day review period for compelling reasons, in which case 30 days from the date of ED's transmittal of the matching program report.

The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. Address for Receipt of Public Comments or Inquires

Individuals wishing to comment on this matching program or obtain additional information about the program, including requesting a copy of the computer matching agreement between ED and DHS, may contact Mrs. Franka Dennis, Management and Program Analyst, U.S. Department of Education, Federal Student Aid, Union Center Plaza, 830 First Street NE., Washington DC 20002–5345. Telephone: (202) 377–4067. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape or compact disc) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document: 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 via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 5 U.S.C. 552a; Public Law 100–503.

Delegation of Authority: The Secretary of Education has delegated authority to James F. Manning, Chief of Staff to perform the functions and duties of the Chief Operating Officer.

Dated: September 11, 2012.

James F. Manning,

Chief of Staff, Federal Student Aid delegated the authority to perform the functions and duties of the Chief Operating Officer.

[FR Doc. 2012–22728 Filed 9–13–12; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for OMB Review and Comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a reinstatement for a three-year approval of the Commercial Buildings Energy

Consumption Survey (CBECS), Forms EIA871A through J, OMB Control Number 1905–0145. The proposed collection will collect baseline data on energy consumption and expenditures in commercial buildings and on the energy-related characteristics of those buildings. To obtain this information, interviews are conducted for a sample of commercial buildings representing the 50 States and the District of Columbia. For buildings in the survey, data are collected on the types, amount and cost of energy consumed in the building, how the energy is used, structural characteristics of the buildings, activities conducted inside the buildings that relate to energy use, building ownership and occupancy, energy conservation measures, and energy-using equipment. For those buildings that cannot provide energy consumption data for the building, the data will be obtained in a follow-up survey from the suppliers of electricity, natural gas, fuel oil and/or district heat to the building, after receiving permission from the building owner, manager or tenant.

DATES: Comments regarding this collection must be received on or before October 15, 2012. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

And to Joelle Michaels, CBECS Survey Manager, U.S. Department of Energy, EI–22, 1000 Independence Ave SW., Washington, DC 20585, Email: *joelle.michaels@eia.gov,* Phone: (202) 586–8952.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joelle Michaels at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1905–0145; (2) *Information Collection Request Title:* EIA–871A–J, ''Commercial Buildings Energy Consumption Survey''; (3) *Type of Request:* Reinstatement with change, of a previously approved collection for which approval has discontinued; (4) *Purpose:* The EIA–871A–J is used to collect data on energy consumption by commercial buildings and the characteristics of these buildings. The surveys fulfill planning, analyses and decision-making needs of DOE, other Federal agencies, State governments, and the private sector. Respondents are owners/managers of selected commercial buildings and their energy suppliers. Response obligations are Voluntary (building owners) and Mandatory (energy suppliers); (5) *Annual Estimated Number of Respondents:* 5,142; (6) *Annual Estimated Number of Total Responses:* 5,142; (7) *Annual Estimated Number of Burden Hours:* 3,978; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* 0.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC on September 10, 2012.

Stephanie Brown,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2012–22692 Filed 9–13–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13160–004]

Red River Hydro LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major License.

b. *Project No.:* 13160–004.

c. *Date filed:* May 24, 2012.

d. *Applicant:* Red River Hydro LLC (Red River), a wholly-owned subsidiary of Symbiotics LLC.

e. *Name of Project:* Overton Lock and Dam Hydroelectric Project.

f. *Location:* The project would be located on the Red River in Rapides Parish, Louisiana at an existing lock and dam owned and operated by the U.S. Corps of Engineers (Corps). The project would occupy 38.7 acres of federal lands managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, Chief Operating Officer, Symbiotics LLC 371 Upper Terrace, Suite 2, Bend, OR 97702; Telephone (541) 330–8779.

i. *FERC Contact:* Lesley Kordella, (202) 502–6406 or *Lesley.Kordella@ferc.gov.*

j. *Deadline for filing comments, terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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. This application has been accepted for filing and is ready for environmental analysis.

l. The proposed project would be located at an existing lock and dam owned and operated by the Corps-Vicksburg District. The existing lock and dam are part of the J. Bennett Johnston Waterway, which was authorized by Congress in 1968 to stabilize river banks, straighten river bends, and maintain a 9-foot-deep, 200-foot-wide channel for boat traffic. The waterway consists of five locks and dams and a number of cutoffs to shorten the river.

The existing Overton Dam is a concrete gravity structure that is 104 feet in height and 914 feet in length. The spillway consists of five 60-foot-wide Tainter gates. The navigation lock is 84 feet wide by 685 feet long. The primary purpose of the Corps' lock and dam system is navigation. The upper pool above the dam is commonly referred to as ''Pool 2,'' and the Corps maintains it at an elevation of 64 feet NGVD. Pool 2 has a surface area of approximately 3,750 acres and a storage capacity of about 67,500 acre-feet at an elevation of 64 feet NGVD.

The proposed Overton Lock and Dam Project would consist of: (1) A powerhouse located on the southwest bank of the river at the existing dam's right abutment; (2) a headrace; (3) a tailrace; (4) a switchyard; (5) 3.9 miles of 138-kilovolt (kV) above-ground transmission line; (6) three turbine-generator units for a combined installed capacity of 78 megawatts; and (7) appurtenant facilities. The projected annual energy generation would be 255.7 gigawatt-hours.

The project would operate in a run-of-release mode by utilizing releases from Pool 2 as they are dictated by the Corps, with no proposed change to the Corps' operation. In addition, no changes to the reservoir pool elevations or downstream river flows are proposed. The project would generate power using flows between 2,700 and 49,800 cubic feet per second (cfs). If flows are less than 2,700 cfs, all flow would go through the Corps' gates, and the project would then be offline. When flows are greater than 49,800 cfs, the excess flow would be directed through the Corps' gates.

m. 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.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. 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, and .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.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon the representative of the applicant. A copy of all other filings must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. *Procedural Schedule:*

The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	November 2012.
Commission issues EA	March 2013.
Comments on EA or EIS ...	April 2013.
Modified terms and conditions.	June 2013.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. *A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

r. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22669 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2280–015]

FirstEnergy Generation Corporation, FirstEnergy Generation, LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

On July 6, 2012, FirstEnergy Generation Corporation (transferor) and FirstEnergy Generation, LLC (transferee) filed an application for the transfer of license for the Kinzua Pumped Storage Project (FERC No. 2280), located on the Allegheny River in Warren County, Pennsylvania.

Applicants seek Commission approval to transfer the license for the Kinzua Pumped Storage Project from the transferor to the transferee.

Applicants' Contact: Mr. Morgan E. Parke, Sr. Corporate Counsel, FirstEnergy Service Company, 76 South Main Street, A–GO–15, Akron, OH 44308, Telephone (330) 384–4595 and Mr. John A. Whittaker IV, Winston & Strawn LLP, 1700 K Street NW., Washington, DC 20006–3817, Telephone (202) 282–5766.

FERC Contact: Patricia W. Gillis (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments and motions to intervene: October 1, 2012.

Comments and motions to intervene may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *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. If unable to be filed electronically, documents may be paper-filed.

To paper-file, an original plus seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. More information about this project can be viewed or printed on the eLibrary link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.*

Enter the docket number (P–2280) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Dated: September 10, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22668 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC12–139–000.
Applicants: Dogwood Energy LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Expedited Action and Shortened Comment Period of Dogwood Energy LLC.
Filed Date: 9/7/12.
Accession Number: 20120907–5152.
Comments Due: 5 p.m. ET 9/28/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1355–002.
Applicants: Iron Energy LLC.
Description: Notice of Non-Material Change in Status and Tariff Revisions to be effective 9/7/2012.
Filed Date: 9/6/12.
Accession Number: 20120906–5107.
Comments Due: 5 p.m. ET 9/27/12.

Docket Numbers: ER12–2206–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company's Response to August 10, 2012 letter requesting additional information.
Filed Date: 9/7/12.
Accession Number: 20120907–5121.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2208–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company's Response to August 10, 2012 letter requesting additional information.
Filed Date: 9/7/12.
Accession Number: 20120907–5121.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2398–000.
Applicants: NRG Solar Borrego I LLC.
Description: NRG Solar Borrego I LLC's Amendment to Application for Market-Based Rate Authority and Associated Waivers and Blanket Approvals.
Filed Date: 8/15/12.
Accession Number: 20120815–5132.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2590–000.
Applicants: DR Power, LLC.
Description: DR Power, LLC MBR Application Filing to be effective 11/1/2012.
Filed Date: 9/6/12.
Accession Number: 20120906–5102.
Comments Due: 5 p.m. ET 9/27/12.

Docket Numbers: ER12–2591–000.
Applicants: Monongahela Power Company.
Description: Facilities Lease and Assignment Agreement including Revised Exhibit A to be effective 9/1/2012.
Filed Date: 9/6/12.
Accession Number: 20120906–5103.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2592–000.
Applicants: Southern California Edison Company.
Description: SGIA SCE–SCE, Tehachapi Wind Energy Storage Project to be effective 9/8/2012 under.
Filed Date: 9/7/12.
Accession Number: 20120907–5000.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2593–000.
Applicants: PPL EnergyPlus, LLC.
Description: Hourly Coordination Agreement—Addendum to be effective 9/7/2012.
Filed Date: 9/7/12.
Accession Number: 20120907–5004.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2594–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3392; Queue No. Y1–045 to be effective 8/10/2012.
Filed Date: 9/7/12.
Accession Number: 20120907–5083.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2595–000.
Applicants: Southern California Edison Company.
Description: Notice of Cancellation to SGIA and DSA 13048 Valley Blvd., Fontana Roof Top Solar to be effective 7/27/2011.
Filed Date: 9/7/12.
Accession Number: 20120907–5084.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2596–000.
Applicants: MidAmerican Energy Company.
Description: MEAN-MidAmerican Transmission Revenue Credits to be effective 9/1/2012.
Filed Date: 9/7/12.
Accession Number: 20120907–5110.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2597–000.
Applicants: PPL Montana, LLC, PPL Colstrip II, LLC.
Description: Notice of Cancellation of PPL Montana, LLC and PPL Colstrip, II, LLC.
Filed Date: 9/7/12.
Accession Number: 20120907–5137.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2598–000.
Applicants: New York Independent System Operator, In NYISO Tariff Revisions: OATT RS1—Operating Cost Funding Shortfall Resolution to be effective 1/1/2013.
Filed Date: 9/7/12.
Accession Number: 20120907–5153.
Comments Due: 5 p.m. ET 9/28/12.

Docket Numbers: ER12–2599–000.
Applicants: PJM Interconnection, L.L.C.
Description: Reqeust for Waiver of PJM. Interconnection, L.L.C.
Filed Date: 9/7/12.
Accession Number: 20120907–5154.
Comments Due: 5 p.m. ET 9/28/12.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES12–54–000.
Applicants: Brookfield Smoky Mountain Hydropower LLC, Smoky Mountain Transmission LLC.
Description: Application for Authorization of the Assumption of Liabilities and the Issuance of Securities under FPA Sec. 204 of Smoky Mountain Transmission LLC and Brookfield Smoky Mountain Hydropower LLC.
Filed Date: 9/6/12.
Accession Number: 20120906–5114.
Comments Due: 5 p.m. ET 9/27/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 7, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22648 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–967–000.
Applicants: Natural Gas Pipeline Company of America.
Description: OXY Negotiated Rate Amendment to be effective 9/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5076.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–968–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Amendment to Twin Eagle Negotiated Rate Agreement to be effective 9/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5077.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–969–000.
Applicants: Northwest Pipeline GP.
Description: NWP Fuel Factor Filing, Effective October 1, 2012 to be effective 10/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5082.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–970–000.
Applicants: Northwest Pipeline GP.
Description: NWP 2012 Housekeeping Filing No. 1 to be effective 10/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5083.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–971–000.
Applicants: Northwest Pipeline GP.
Description: NWP ACA Collection Change Filing to be effective 10/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5084.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–972–000.
Applicants: Questar Overthrust Pipeline Company.
Description: Sec 13.1, Daily Scheduling to be effective 9/30/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5085.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–973–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: TABS Revisions to be effective 10/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5121.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–974–000.
Applicants: Ozark Gas Transmission, L.L.C.
Description: Negotiated Rate—Laclede—contract 820171 to be effective 9/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5123.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–975–000.
Applicants: Texas Eastern Transmission, LP.
Description: 2012 Operational Entitlements Filing.
Filed Date: 8/30/12.
Accession Number: 20120830–5132.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–976–000.
Applicants: East Cheyenne Gas Storage, LLC.
Description: ECGS Updated tariff filing to be effective 10/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5146.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–977–000.
Applicants: Trunkline Gas Company, LLC.
Description: Negotiated Rates Filing—3 to be effective 9/1/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5153.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–978–000.
Applicants: Alliance Pipeline L.P.
Description: September 2012 Auction to be effective 9/1/2012..
Filed Date: 8/30/12
Accession Number: 20120830–5158.
Comments Due: 5 p.m. e.t. 9/11/12.

Docket Numbers: RP12–979–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Cleanup 2012–08–30 to be effective 9/30/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5163.
Comments Due: 5 p.m. e.t. 9/11/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 4, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary

[FR Doc. 2012–22681 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1942–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc. submits response to deficiency letter.
Filed Date: 8/31/12.
Accession Number: 20120831–5326.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2068–001; ER10–2460–002; ER10–2461–002; ER12–682–003; ER10–2463–002; ER11–2201–006; ER10–2464–001; ER10–2465–001; ER11–2657–002; ER12–1308–001; ER12–1311–002; ER10–2466–003; ER11–4029–002.

Applicants: Evergreen Wind Power, LLC, Canandaigua Power Partners, LLC, Vermont Wind, LLC, First Wind Energy Marketing, LLC, Milford Wind Corridor

Phase II, LLC, Blue Sky East, LLC, Evergreen Wind Power III, LLC, Stetson Holdings, LLC, Erie Wind, LLC, Canandaigua Power Partners II, LLC, Stetson Wind II, LLC, Milford Wind Corridor Phase I, LLC, Palouse Wind, LLC.

Description: Notice of Non-Material Change in Status of Blue Sky East, LLC, et al.

Filed Date: 8/31/12.

Accession Number: 20120831–5333.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2573–000.

Applicants: Visage Energy.

Description: Baseline New to be effective 9/4/2012.

Filed Date: 9/4/12.

Accession Number: 20120904–5016.

Comments Due: 5 p.m. ET 9/25/12.

Docket Numbers: ER12–2574–000.

Applicants: PJM Interconnection, L.L.C.

Description: Queue Position #O29—Original Service Agreement No. 3390 to be effective 8/3/2012.

Filed Date: 9/4/12.

Accession Number: 20120904–5025.

Comments Due: 5 p.m. ET 9/25/12.

Docket Numbers: ER12–2575–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Revisions to ISO New England Financial Assurance Policy to be effective 1/1/2013.

Filed Date: 9/4/12.

Accession Number: 20120904–5125.

Comments Due: 5 p.m. ET 9/25/12.

Docket Numbers: ER12–2576–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: SA 2314 MidAm-Lehigh GFA to be effective 9/5/2012.

Filed Date: 9/4/12.

Accession Number: 20120904–5222.

Comments Due: 5 p.m. ET 9/25/12.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC12–8–000; FC12–9–000; FC12–10–000; FC12–11–000; FC12–12–000; FC12–13–000; FC12–14–000; FC12–15–000.

Applicants: Enbridge Wind Power General Partnership, Greenwich Windfarm, LP, Enbridge Renewable Energy Infrastructure Limited Partnership, Project AMBG2 LP, SunBridge Wind Power Project, Talbot Windfarm, LP, Tilbury Solar Project LP, Enbridge Lac-Alfred Wind Project Limited Partnership.

Description: Notice of Self-Certification of Foreign Utility Company Status of Enbridge Wind Power General Partnership, et al.

Filed Date: 9/4/12.

Accession Number: 20120904–5151.

Comments Due: 5 p.m. ET 9/25/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 4, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22680 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2560–000.

Applicants: Monongahela Power Company.

Description: Refile to be effective 9/1/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5196.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2561–000.

Applicants: Duquesne Light Company.

Description: Category Seller Change to be effective 8/31/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5204.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2562–000.

Applicants: Southwest Power Pool, Inc.

Description: 2462 Twin Eagle Resource Meter Agent Agreement to be effective 8/1/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5218.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2563–000.

Applicants: Tampa Electric Company.

Description: Second Revised Rate Schedule No. 63 Cancelling First Amendment to be effective 8/31/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5228.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2564–000.

Applicants: Duquesne Conemaugh, LLC.

Description: Category Seller Change to be effective 8/31/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5260.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2565–000.

Applicants: Duquesne Keystone, LLC.

Description: Category Seller Change to be effective 8/31/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5263.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2566–000.

Applicants: Duquesne Power, LLC.

Description: Category Seller Change to be effective 8/31/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5265.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2567–000.

Applicants: New England Power Pool Participants Committee.

Description: Sep 2012 Membership Filing to be effective 8/1/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5280.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2568–000.

Applicants: New York Independent System Operator, Inc.

Description: NYISO Tariff Revisions Regarding Black Start and System Restoration Service to be effective 11/1/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5289.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2569–000.

Applicants: Tampa Electric Company.

Description: Third Revised Rate Schedule No. 63 With Second Amendment to be effective 9/1/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5296.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2570–000.

Applicants: Panther Creek Power Operating, LLC.

Description: Market-Based Rate Tariff to be effective 10/17/2012.

Filed Date: 8/31/12.

Accession Number: 20120831–5310.

Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2571–000.

Applicants: Fountain Valley Power, L.L.C.

Description: Market-Based Rate Service Agreement to be effective 9/1/2012.

Filed Date: 8/31/12.
Accession Number: 20120831–5312.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2572–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Clean-Up Filing to be effective 7/28/2010.
Filed Date: 8/31/12.
Accession Number: 20120831–5313.
Comments Due: 5 p.m. ET 9/21/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 4, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22679 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG12–106–000.
Applicants: Limon Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Limon Wind, LLC.
Filed Date: 8/30/12.
Accession Number: 20120830–5144.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: EG12–107–000.
Applicants: Limon Wind II, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Limon Wind II, LLC.
Filed Date: 8/30/12.
Accession Number: 20120830–5150.
Comments Due: 5 p.m. ET 9/20/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1785–001.
Applicants: California Independent System Operator Corporation.
Description: 2012–08–31 CAISO Filing in Compliance with August 1, 2012 Order to be effective 4/30/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5073.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2145–000.
Applicants: EC&R O&M LLC.
Description: Supplemental Information of EC&R O&M LLC.
Filed Date: 8/31/12.
Accession Number: 20120831–5171.
Comments Due: 5 p.m. ET 9/10/12.

Docket Numbers: ER12–2258–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: SA 2456 Emmet County Energy-ITC Midwest GIA Amend to be effective 7/19/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5065.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2259–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: SA 1902 Harvest Wind Farm-ITC Midwest GIA Amend to be effective 7/19/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5067.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2277–001.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: SA 2457 Pheasant Ridge Wind Farm-ITC Midwest GIA Amend to be effective 7/21/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5069.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2552–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–08–30 CAISO Management Approval of Construction Projects Under $50 M to be effective 10/30/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5143.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2553–000.
Applicants: PacifiCorp.
Description: BPA Two-way Operations and Maintenance Agreement—Revised to be effective 10/30/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5168.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2554–000.
Applicants: Transource Missouri, LLC.
Description: Transource Missouri, LLC's 205 filing to establish an incentive formula rate to be effective 10/30/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5095.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2555–000.
Applicants: Wisconsin Public Service Corporation.
Description: Metering Agent Agreement between WPSC, UPPCO and Ontonagon to be effective 11/1/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5096.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2556–000.
Applicants: Wisconsin Power and Light Company.
Description: WPL Revisions to Rate Schedule W–2A and W–3A Wholesale Formula Rates to be effective 10/31/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5124.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2557–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Rate Schedules—Baseline Filing to be effective 8/31/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5140.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2558–000.
Applicants: Ri-Corp. Development, Inc.
Description: Notice of Succession to be effective 9/1/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5141.
Comments Due: 5 p.m. ET 9/21/12.

Docket Numbers: ER12–2559–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: First Revised Rate Schedule No. 63 with First Amendment to be effective 8/31/2012.
Filed Date: 8/31/12.
Accession Number: 20120831–5161.
Comments Due: 5 p.m. ET 9/21/12.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES12–52–000.
Applicants: MDU Resources Group, Inc.
Description: Application of MDU Resources Group, Inc. for authority to issue up to $1 billion various securities for 2012–2014.
Filed Date: 8/30/12.
Accession Number: 20120830–5185.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ES12–53–000.
Applicants: South Carolina Electric & Gas Company, South Carolina Generating Company, Inc.

Description: Application for Authorization under Federal Power Act section 204 for South Carolina Electric & Gas Company *et al.*

Filed Date: 8/30/12.

Accession Number: 20120830–5187.

Comments Due: 5 p.m. ET 9/20/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 31, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22678 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP11–2137–000.

Applicants: Dominion Cove Point LNG, LP.

Description: DCP–RP11–2137 and RP12–937 Refund Report.

Filed Date: 9/6/12.

Accession Number: 20120906–5063.

Comments Due: 5 p.m. ET 9/18/12.

Docket Numbers: RP12–1023–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: Negotiated Rate Agreement—CP and L to be effective 11/1/2012.

Filed Date: 9/6/12.

Accession Number: 20120906–5038.

Comments Due: 5 p.m. ET 9/18/12.

Docket Numbers: RP12–1024–000.

Applicants: Bobcat Gas Storage.

Description: BGS Initial ACA Filing to be effective 10/1/2012.

Filed Date: 9/7/12.

Accession Number: 20120907–5095.

Comments Due: 5 p.m. ET 9/19/12.

Docket Numbers: RP12–1025–000.

Applicants: Egan Hub Storage, LLC.

Description: Egan Initial ACA Filing to be effective 10/1/2012.

Filed Date: 9/7/12.

Accession Number: 20120907–5098.

Comments Due: 5 p.m. ET 9/19/12.

Docket Numbers: RP12–1026–000.

Applicants: Saltville Gas Storage Company L.L.C.

Description: SGSC Initial ACA Filing to be effective 10/1/2012.

Filed Date: 9/7/12.

Accession Number: 20120907–5099.

Comments Due: 5 p.m. ET 9/19/12.

Docket Numbers: RP12–1027–000.

Applicants: Steckman Ridge, LP.

Description: SR Initial ACA Filing to be effective 10/1/2012.

Filed Date: 9/7/12.

Accession Number: 20120907–5100.

Comments Due: 5 p.m. ET 9/19/12.

Docket Numbers: RP12–965–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 09/07/12 ACA 2012 Withdrawal.

Filed Date: 9/7/12.

Accession Number: 20120907–5122.

Comments Due: 5 p.m. ET 9/19/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–915–002.

Applicants: Petal Gas Storage, L.L.C.

Description: Compliance Filing to be effective 9/1/2012.

Filed Date: 9/7/12.

Accession Number: 20120907–5093.

Comments Due: 5 p.m. ET 9/19/12.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 10, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22671 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–1850–002; ER11–1847–002; ER11–1846–002; ER11–2509–004; ER11–1848–002; ER11–2598–005; ER11–2516–003.

Applicants: Direct Energy Services, LLC, Direct Energy Marketing Inc., Gateway Energy Services Corporation, Direct Energy Business, LLC, Energetix, Inc., NYSEG Solutions, Inc., Energy America, LLC.

Description: Notice of Change in Status of Direct Energy Business, LLC, *et al.*

Filed Date: 8/30/12.

Accession Number: 20120830–5064.

Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–1914–001.

Applicants: ISO New England Inc.

Description: Compliance with Order in Docket No. ER12–1914–000 to be effective 8/1/2012.

Filed Date: 8/30/12.

Accession Number: 20120830–5048.

Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2161–001.

Applicants: Duke Energy Carolinas, LLC.

Description: Compliance Filing in Dkt. No. ER12–2161 to be effective 7/2/2012.

Filed Date: 8/30/12.

Accession Number: 20120830–5087.

Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2185–001.

Applicants: Wisconsin Electric Power Company.

Description: Rate Schedule FERC No. 90 revisions compliance filing to be effective 9/1/2012.

Filed Date: 8/30/12.

Accession Number: 20120830–5088.

Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2548–000.

Applicants: Southern California Edison Company.

Description: Amendment to WDAT Service Agreement with SCE–RAP for CREST to be effective 8/1/2012.

Filed Date: 8/30/12.

Accession Number: 20120830–5067.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2549–000.
Applicants: Southern California Edison Company.
Description: SGIA and Service Agreement SCE-Samsung C&T America, Commercial Solar RTS 3 Proj. to be effective 10/30/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5068.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2550–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3389; Queue No. X3–081 to be effective 8/3/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5097.
Comments Due: 5 p.m. ET 9/20/12.

Docket Numbers: ER12–2551–000.
Applicants: ITC Midwest LLC.
Description: Filing of Joint Use Agreement to be effective 10/29/2012.
Filed Date: 8/30/12.
Accession Number: 20120830–5106.
Comments Due: 5 p.m. ET 9/20/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 30, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22684 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG12–105–000.
Applicants: GenOn Marsh Landing, LLC.
Description: Self-Certification of EWG of GenOn Marsh Landing, LLC.
Filed Date: 8/29/12.
Accession Number: 20120829–5157.
Comments Due: 5 p.m. e.t. 9/19/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2184–001.
Applicants: Wisconsin Electric Power Company.
Description: Formula Rate Wholesale Sales Tariff revisions compliance filing to be effective 9/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120830–5007.
Comments Due: 5 p.m. e.t. 9/19/12.

Docket Numbers: ER12–2543–000.
Applicants: Southern Electric Generating Company.
Description: SEGCO 2012 PBOP Filing to be effective 1/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120829–5163.
Comments Due: 5 p.m. e.t. 9/19/12.

Docket Numbers: ER12–2544–000.
Applicants: Mississippi Power Company.
Description: PBOP 2012 Filing to be effective 1/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120829–5169.
Comments Due: 5 p.m. e.t. 9/19/12.

Docket Numbers: ER12–2545–000.
Applicants: GenOn Marsh Landing, LLC.
Description: Application for Market-Based Rate Authorization to be effective 11/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120829–5177.
Comments Due: 5 p.m. e.t. 9/19/12.

Docket Numbers: ER12–2546–000.
Applicants: Georgia Power Company.
Description: 2012 PBOP Filing to be effective 1/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120829–5178.
Comments Due: 5 p.m. e.t. 9/19/12.

Docket Numbers: ER12–2547–000.
Applicants: Southern California Edison Company.
Description: GIA and Distribution Serv Agmt SunEdison Utility Solutions LLC, Philadelphia Ave to be effective 8/31/2012.12–2547 Filing Type: 10.
Filed Date: 8/30/12.
Accession Number: 20120830–5049.
Comments Due: 5 p.m. e.t. 9/20/12.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 30, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22683 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP12–957–000.
Applicants: Chandeleur Pipe Line Company.
Description: Chandeleur ACA filing withdrawal.
Filed Date: 8/29/12.
Accession Number: 20120829–5131.
Comments Due: 5 p.m. e.t. 9/10/12.

Docket Numbers: RP12–958–000.
Applicants: Sabine Pipe Line LLC.
Description: Sabine ACA filing withdrawal.
Filed Date: 8/29/12.
Accession Number: 20120829–5132.
Comments Due: 5 p.m. e.t. 9/10/12.

Docket Numbers: RP12–965–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 08/29/12 ACA 2012 to be effective 10/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120829–5168.
Comments Due: 5 p.m. e.t. 9/10/12.

Docket Numbers: RP12–966–000.
Applicants: Paiute Pipeline Company.
Description: Exhibit A Revision to be effective 10/1/2012.
Filed Date: 8/29/12.
Accession Number: 20120830–5006.
Comments Due: 5 p.m. e.t. 9/10/12.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211

and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, and service can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated August 30, 2012.

Nathaniel J. Davis, Sr.

Deputy Secretary

[FR Doc. 2012–22682 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
AltaGas Renewable Energy Colorado LLC.	EG12–70–000
Patton Wind Farm, LLC	EG12–71–000
Big Savage, LLC	EG12–72–000
Pacific Wind Lessee, LLC	EG12–73–000
High Majestic Interconnection Services, LLC.	EG12–74–000
O.L.S. Energy-Agnews, Inc	EG12–75–000
NRG Solar Avra Valley LLC.	EG12–76–000
Spearville 3, LLC	EG12–77–000
NaturEner Rim Rock Wind Energy, LLC.	EG12–78–000
NaturEner Glacier Wind Energy 1, LLC.	EG12–79–000
Flat Ridge 2 Wind Energy LLC.	EG12–80–000
Blue Sky East, LLC	EG12–81–000
Meadow Creek Project Company LLC.	EG12–82–000

Take notice that during the month of July/August 2012, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: September 10, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22666 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP12–461–000]

Eastern Shore Natural Gas Company; Notice of Availability of the Environmental Assessment for the Proposed 2012 Greenspring Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the 2012 Greenspring Expansion Project (Project) proposed by Eastern Shore Natural Gas Company (ESNG) in the above-referenced docket. ESNG requests authorization to construct and operate new natural gas facilities in New Castle and Kent Counties, Delaware to meet the needs of its customers in the Delmarva Peninsula market area.

The EA assesses the potential environmental effects of the construction and operation of the 2012 Greenspring Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed 2012 Greenspring Expansion Project includes the following facilities:

- Approximately 11 miles of 16-inch-diameter natural gas pipeline;
- Approximately 0.1 mile of 10-inch-diameter natural gas pipeline;
- Two new mainline valves; and
- One pressure regulating station.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before October 9, 2012.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP12–461–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the

[1] See the previous discussion on the methods for filing comments.

Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP12–461). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22662 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF12–9–000]

Constitution Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Constitution Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will address the environmental impacts of the proposed Constitution Pipeline Project (Project) involving construction and operation of facilities by Constitution Pipeline Company, LLC (Constitution) in Susquehanna County, Pennsylvania; and Broome, Chenango, Delaware, and Schoharie Counties, New York. This EIS will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process that the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues need to be evaluated in the EIS. Please note that the scoping period will close on October 9, 2012.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern. Comments may be submitted in written form or verbally. Further details on how to submit written comments are provided in the ''Public Participation'' section of this notice. In lieu of or in addition to sending written comments, we [1] invite you to attend the public scoping meetings scheduled as follows:

Date and time	Location
September 24, 2012, beginning at 7–10 p.m. EDT.	Afton High School, 29 Academy Street, Afton, New York 13730.
September 25, 2012, beginning at 7–10 p.m. EDT.	Schoharie High School, 136 Academy Dr., Schoharie, New York 12157, (attendees should enter via the main high school office entrance).
September 26, 2012, beginning at 7–10 p.m. EDT.	Blue Ridge High School, 5058 School Road, New Milford, Pennsylvania 18834.

The public meetings are designed to provide you with an opportunity to offer your comments on the Project. Constitution representatives will be present one hour before each meeting to describe their proposal, present maps, and answer questions. Interested groups and individuals are encouraged to attend the meetings and to present comments on the issues they believe should be addressed in the EIS. A transcript of each meeting will be made so that your comments will be accurately recorded.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the planned facilities. Constitution would seek to negotiate a mutually acceptable agreement. However, if the Project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, Constitution could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Proposed Project

Constitution has announced their plan to construct and operate approximately 120.6 miles of new 30-inch-diameter pipeline and associated pipeline facilities in Pennsylvania and New York. The Constitution Pipeline Project would provide about 650,000 dekatherms per day (Dth/d) of natural gas from two receipt points in Susquehanna County, Pennsylvania to two new delivery points with the existing Tennessee Gas Pipeline and the Iroquois Gas Transmission Pipeline in Schoharie County, New York.

The proposed Constitution Pipeline Project would consist of the following:

- Construction of approximately 120.6 miles of new 30-inch-diameter pipeline from Susquehanna County, Pennsylvania through Broome, Chenango, Delaware, and Schoharie Counties, New York;
- Installation of four new meter and regulation (M&R) stations including:
  - *Central M&R Receipt Station*—a new M&R receipt station, including

[1] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

pressure regulation, in Susquehanna County, Pennsylvania;

▪ *Southwestern M&R Receipt Station*—a new M&R receipt station, including pressure regulation, in Susquehanna County, Pennsylvania;

▪ *Tennessee Gas M&R Delivery Station*—a new M&R delivery station, including pressure regulation, in Schoharie County, New York; and

▪ *Iroquois M&R Delivery Station*—a new M&R delivery station, including pressure regulation, in Schoharie County, New York.

• Construction of a new compressor station:

▪ *Schoharie Compressor Station*—installation of two Solar Mars 100 16,000-horsepower turbines in Schoharie County, New York;

• Installation of a pig [2] launcher at MP 0.0 in Susquehanna County, Pennsylvania and installation of a pig receiver at MP 120.6 in Schoharie County, New York; and

• Installation of eight new main line valves assemblies; two in Susquehanna County, Pennsylvania; one in Broome County, New York; two in Delaware County, New York; and three in Schoharie County, New York.

The general location of the proposed project facilities is shown in Appendix 1.[3]

At the request of the FERC, Constitution has developed and further refined an alternative route which generally parallels Interstate 88 for a substantial portion of the route (Alternative M). Alternative M would be partially located in Otsego County, New York, in addition to the counties previously mentioned. Constitution recently mailed information regarding this route to potentially affected landowners. Landowners affected by this alternative are included on our mailing list. Your input on these and other route alternatives is requested.

Land Requirements for Construction

Constitution is still in the planning phase for the Project, and workspace requirements have not been finalized. However, construction would disturb approximately 1,530 acres of land for the aboveground facilities and the pipeline. Following construction, about 737 acres would be used for permanent operation of the project's facilities. The remaining acreage would be restored and allowed to revert to former uses.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. All comments received will be considered during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the Project under these general headings:

• Geology and Soils;
• Land Use;
• Water Resources, Fisheries, and Wetlands;
• Vegetation and Wildlife;
• Endangered and Threatened Species;
• Cultural Resources;
• Air Quality and Noise;
• Socioeconomics;
• Cumulative Impacts; and
• Public Safety.

We will also evaluate reasonable alternatives to the Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's Pre-filing process. The purpose of the Pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before an application is filed with the FERC. As part of our Pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, representatives from the FERC participated in public Open House meetings sponsored by Constitution in the project area in July 2012, and will again in September 2012, to explain the environmental review process to interested stakeholders.

Our independent analysis of the issues will be presented in the EIS. The EIS will be published and distributed for public comment. We will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure your comments are considered, please carefully follow the instructions in the ''Public Participation'' section of this notice.

With this notice, we are asking agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the ''Public Participation'' section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations, we are using this notice to solicit the views of the public on the project's potential effects on historic properties.[4] We will document our findings on the impacts on cultural resources and summarize the status of consultations under section 106 of the National Historic Preservation Act in our EIS.

Currently Identified Environmental Issues

We have already identified several issues and alternatives that we think deserve attention based on a preliminary review of the proposed facilities, comments made to us at Constitution's open houses, preliminary consultations with other agencies, and the environmental information provided by Constitution. This preliminary list of issues and alternatives may be changed based on your comments and our analysis:

• Impacts from shallow bedrock and blasting;
• Potential effect on federal and state-listed sensitive species (such as Indiana bats and migratory birds);
• Impacts to residential areas;
• Impacts to areas recently flooded;
• Visual and other impacts from forest clearing, including impacts to ''greenfield'' areas;
• Impacts to agriculture;
• Effects on the local air quality and noise environment from construction and operation of the proposed facilities;
• Assessment of the no action alternative, existing systems and

[2] A pig is a tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

[3] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Historic properties are defined in those regulations as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

alternative system configurations, and alternative routes to reduce or avoid environmental impacts; and

• Assessment of the I–88 Alternative (currently Alternative M) and other alternatives.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be.

To ensure that your comments are timely and properly recorded, please send your comments so that they will be received in Washington, DC on or before October 9, 2012.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (PF12–9–000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the Quick Comment feature, which is located at *www.ferc.gov* under the link called ''*Documents and Filings.''* A Quick Comment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the ''eFiling'' feature, that is listed under the ''*Documents and Filings''* link. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file to your submission. New eFiling users must first create an account by clicking on the link called ''*Sign up''* or ''*eRegister.''* You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing;'' or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Mailing List Form (Appendix 2).

Becoming an Intervenor

Once Constitution formally files their application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene.

Instructions for becoming an intervenor are included in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until a formal application for the project is filed with the Commission.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208–FERC or on the FERC Web site (*www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF12–9). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Finally Constitution has established an internet Web site for the Project at *www.constitutionpipeline.com.* The Web site includes a description of the Project, viewing locations for Project materials and maps, frequently asked questions and responses, and links to related documents. You can also request additional information or provide comments directly to Constitution at 866–455–9103.

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22670 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR12–34–000]

Enterprise Intrastate LLC; Notice of Filing

Take notice that on September 6, 2012, Enterprise Intrastate LLC (Enterprise Intrastate) filed to revise its Statement of Operating Conditions (SOC) for transportation services. Enterprise Intrastate is revising its SOC to replace all references to ''Enterprise Intrastate L.P.'' with ''Enterprise Intrastate LLC.'' In addition, Enterprise Intrastate has divided the SOC into 5 distinct sections 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 18, 2012.

Dated: September 10, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22661 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF12–4–000]

Southeastern Power Administration; Notice of Filing

Take notice that on September 5, 2012, the Southeastern Power Administration submitted its Rate Order No. SEPA–56 concerning rate and repayment data for the Georgia-Alabama-South Carolina System, for confirmation and approval on a final basis, effective October 1, 2012, and ending September 30, 2017.

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 5, 2012.

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22663 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–10–103]

Puget Sound Energy, Inc. v. All Jurisdictional Sellers, et al.; Notice of Filing

Take notice that on August 23, 2012, PacifiCorp and the City of Tacoma, Washington submitted their revised Stipulation and Agreement in accordance with Paragraph 7 of the Commission's July 31, 2012 Order, *Puget Sound Energy, Inc.* v. *All Jurisdictional Sellers, et al.,* Order Approving Settlement Subject to Condition, 140 FERC ¶ 61,091 (2012) (July 31 Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 17, 2012.

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22665 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–10–097]

Puget Sound Energy, Inc. v. All Jurisdictional Sellers, et al.; Notice of Filing

Take notice that on July 12, 2012, Idaho Power Company and IDACORP Energy, L.P. submitted their compliance filing in response to the Commission's June 13, 2012 Order, *Puget Sound Energy, Inc.* v. *All Jurisdictional Sellers, et al.,* Order Approving Settlement

Subject to Condition, 139 FERC ¶ 61,209 (2012) (June 13 Order).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 17, 2012.

Dated: September 7, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22664 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL12–40–001]

California Independent System Operator Corporation; Notice of Filing

Take notice that on July 9, 2012, California Independent System Operator Corporation submitted their compliance filing in response to the Federal Energy Regulatory Commission's (Commission) June 8, 2012 Order, *California Independent System Operator Corporation,* Order Granting Complaint And Directing A Compliance Filing, 139 FERC ¶ 61,198 (2012).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies 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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on September 20, 2012.

Dated: September 10, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–22667 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER12–2545–000]

GenOn Marsh Landing, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of GenOn Marsh Landing, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is September 20, 2012.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 31, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–22677 Filed 9–13–12; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9005–1]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements.

Filed 09/03/2012 Through 09/07/2012.

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

SUPPLEMENTARY INFORMATION: Starting October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA.

While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—*https://cdx.epa.gov/epa_home.asp.*

EIS No. 20120296, Draft EIS, BLM, CO, White River Field Office Oil and Gas Development, Resource Management Plan Amendment, Rio Blanco, Garfield, Moffat Counties, CO, *Comment Period Ends:* 12/12/2012, *Contact:* Heather Sauls 970–878–3855.

EIS No. 20120297, Draft EIS, FHWA, OR, OR 62: I–5 to Dutton Road (Medford) Project, New Highway Construction, Funding, USACE Section 404 Permit, Jackson County, OR, *Comment Period Ends:* 10/29/2012, *Contact:* Chris Bucher 503–316–2555.

EIS No. 20120298, Final EIS, USFS, 00, Kiowa, Rita Blanca, Black Kettle, and McClellan Creek National Grasslands Land and Resource Management Plan, Implementation, Cibola National Forest and National Grasslands, Mora, Harding, Union, and Colfax Counties, NM; Dallam, Hemphill, and Gray Counties, TX; and Cimarron and Rogers Mills Counties, OK, *Review Period Ends:* 10/15/2012, *Contact:* Champe Green 505–346–3889.

EIS No. 20120299, Final EIS, BLM, CA, Imperial Sand Dunes Recreation Area Management Plan, Proposed Amendment to the California Desert Conservation Area Plan, Imperial County, CA, *Review Period Ends:* 10/15/2012, *Contact:* Greg Hill 951–697–5395.

EIS No. 20120300, Draft EIS, USN, MD, Medical Facilities Development and University Expansion at Naval Support Activity Bethesda, Montgomery County, MD, *Comment Period Ends:* 10/29/2012, *Contact:* Joseph Macri 301–295–1803.

EIS No. 20120301, Draft EIS, NPS, IN, Indiana Dunes National Lakeshore, Shoreline Restoration and Management Plan, Lake, Porter, and LaPorte Counties, IN, *Comment Period Ends:* 11/13/2012, *Contact:* Constantine J. Dillon 219–926–7561.

Amended Notices

EIS No. 20120235, Draft Supplement, FRA, CA, California High-Speed Train (HST): Fresno to Bakersfield Section High-Speed Train, Reintroducing Alignment Alternatives and an Additional Alternative through the Bakersfield Area, USACE Section 10 and 404 Permits, Fresno, Kings, Tulare, and Kern Counties, CA, *Comment Period Ends:* 10/19/2012, *Contact:* David Valenstein 202–493–6381. Revision to FR Notice Published 07/20/2012; Extending Comments Period from 09/20/2012 to 10/19/2012.

Dated: September 11, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012–22739 Filed 9–13–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9727–8]

Meeting of the Environmental Financial Advisory Board—Public Notice

AGENCY: Environmental Protection Agency.

ACTION: Notice of a public webinar/teleconference meeting.

SUMMARY: The United States Environmental Protection Agency's (EPA) Environmental Financial Advisory Board (EFAB) will hold a webinar/teleconference meeting on October 17, 2012. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues, proposed legislation, and EPA priorities; to discuss activities and progress with regard to current EFAB work projects; and to consider recent requests for assistance from EPA offices. Environmental finance discussions are expected on the following topics: Clean air technology; tribal environmental programs; transit-oriented development in sustainable communities, energy efficiency/green house gas emissions reduction; drinking water pricing and infrastructure investment; and green infrastructure.

DATES: The webinar meeting will be held on Wednesday, October 17, 2012 from 10 a.m. to 5 p.m., Eastern Time.

ADDRESSES: The webinar/teleconference meeting will be available to the public via Adobe Connect access. Members of the public who wish to participate in the meeting should register at *http://www.epa.gov/envirofinance/efabmeeting* by no later than Monday, October 8, 2012. Registrants will receive a confirmation notice and the information required to access the meeting.

FOR FURTHER INFORMATION CONTACT: For information on access or services for individuals with disabilities, or to request accommodations for a person with a disability, please contact Sandra Williams, U.S. EPA, at (202) 564–4999 or *williams.sandra@epa.gov,* at least 10 days prior to the meeting, to allow as much time as possible to process your request.

Joseph L. Dillon,

Director, Center for Environmental Finance.

[FR Doc. 2012–22760 Filed 9–13–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9728–3]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a

lawsuit filed by the Center for Biological Diversity, Greenpeace, Inc., and Port Townsend Airwatchers (collectively, ''Plaintiffs'') in the United States District Court for the Northern District of California: *Center for Biological Diversity, et al.* v. *EPA,* No. C–11–06059 YGR (N.D. CA). On December 6, 2011, Plaintiffs filed a complaint alleging that EPA failed to review, and if appropriate revise, the New Source Performance Standards for Kraft Pulp Mills (''Kraft Pulp NSPS'') under CAA section 111(b)(1)(B), 42 U.S.C. 7411(b)(1)(B). The proposed consent decree establishes deadlines for EPA to take action.

DATES: Written comments on the proposed consent decree must be received by *October 15, 2012.*

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2012–0730, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Scott Jordan, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–7508; fax number (202) 564–5603; email address: *jordan.scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by the Plaintiffs seeking to compel EPA to review the existing Kraft Pulp NSPS under CAA Section 111(b)(1)(B), 42 U.S.C. 7411(b)(1)(B).

Under the proposed consent decree EPA shall review no later than May 15, 2013, the Kraft Pulp NSPS and sign for publication one or a combination of the following: (1) A proposed rule containing revisions to the Kraft Pulp NSPS, 40 CFR part 60, Subpart BB (''NSPS Subpart BB''), under section 111(b)(1)(B) of the CAA, 42 U.S.C. 7411(b)(1)(B); (2) a proposed determination under section 111(b)(1)(B) not to revise NSPS Subpart BB; or (3) sign for publication a determination that review is not appropriate in light of readily available information on the efficacy of NSPS Subpart BB. The proposed consent decree also states that if EPA signs a proposed rule or a proposed determination then no later than March 14, 2014, EPA shall sign one or a combination of the following: (1) A final rule containing revisions to NSPS Subpart BB under section 111(b)(1)(B) of the CAA, 42 U.S.C. 7411(b)(1)(B); or (2) a final determination under section 111(b)(1)(B) not to revise Subpart BB.

The proposed consent decree requires that, within 10 business days following signature of the proposed or final rules or determinations required in the proposed consent decree, EPA shall forward it or them to the Office of the Federal Register for publication in the **Federal Register**. After EPA fulfills its obligations under the proposed consent decree, the matter shall be terminated and the case dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2012–0730) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: September 7, 2012.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2012–22762 Filed 9–13–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Relations Information Collection Requests

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Submission for OMB Review: Request for Comments.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The information collection request is the Notice to Mediation Agencies (Agency Form F–7), OMB control number 3076–0004. No comments were received pursuant to FMCS's prior 60-day notice in the **Federal Register** on June 26, 2012. However, we would like to make a correction to that notice. The collection is actually being submitted to OMB as a reinstatement with change of a previously approved collection. The changes include modest streamlining and improvements for clarity. OMB is interested in comments on specific aspects of the collection. The OMB is particularly interested in comments that: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluates the accuracy of the agency's estimates of the burden of the proposed collection information;

(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 collection technologies or other forms of information technology.

Burden: FMCS receives approximately 21,000 responses to the form Notice to Mediation Agencies (OMB No. 3076–004).

Affected Entities: Private sector employers and labor unions involved in interstate commerce that file notices for mediation services to the FMCS and state, local and territorial agencies.

DATES: Comments must be submitted on or before October 15, 2012.

ADDRESSES: Submit written comments to: Email: *oira_submissions@omb.eop.gov.* Please include the FMCS form number, the information collection title, and the OMB control number in the subject line of the message. Comments may also be sent to fax number 202.395.5806 to the attention of Desk Officer for FMCS.

SUPPLEMENTARY INFORMATION: For additional information, see the related 60-day notice published in the **Federal Register** at Vol. 77 No. 38062 on June 26, 2012.

Dated: September 10, 2012.

Jeannette Walters-Marquez,

Attorney Advisor.

[FR Doc. 2012–22629 Filed 9–13–12; 8:45 am]

BILLING CODE 6732–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Ayouch—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

Report title: Report of Changes in Organizational Structure, Annual Report of Bank Holding Companies, and Annual Report of Foreign Banking Organizations.

Agency form number: FR Y–10, FR Y–10 verification, FR Y–6, and FR Y–7.

OMB Control number: 7100–0297.

Effective Date: The proposed changes to the FR Y–6 and FR Y–7 reporting forms and instructions will be effective December 31, 2012. The proposed changes to the FR Y–10 reporting form and instructions for foreign banking organizations (FBOs), top-tier bank holding companies (BHCs), state member banks that are not controlled by a BHC, Edge and agreement corporations that are not controlled by a member bank, a BHC, or a FBO; nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only), securities holding companies (SHCs), nonbank financial companies, and designated financial market utilities (DFMUs) will be effective December 1, 2012. The proposed changes to the FR Y–10 form and instructions for savings and loan holding companies (SLHCs) will be effective December 1, 2012, except for data on nonbank subsidiaries. SLHCs will file the FR Y–10 data by June 30, 2013, for their nonbank subsidiaries that meet the quarterly

financial reporting criteria. SLHCs will file the FR Y–10 data by September 30, 2013, for their nonbank subsidiaries that file financial reports annually. SLHCS will file the FR Y–10 data by December 31, 2013, for their nonbank subsidiaries that do not file financial reports.

Frequency: FR Y–10: Event-generated; FR Y–10 verification: One-time; FR Y–6 and FR Y–7: Annual.

Reporters: FR Y–10: FBOs, top-tier BHCs, state member banks that are not controlled by a BHC, Edge and agreement corporations that are not controlled by a member bank, a BHC, or a FBO; nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only), SLHCs, SHCs, nonbank financial companies, and DFMUs; FR Y–6: top-tier BHCs and nonqualifying FBOs, SLHCs, SHCs, nonbank financial companies, and DFMUs; FR Y–7: all qualifying FBOs that engage in banking in the United States, either directly or indirectly.

Estimated annual reporting hours: FR Y–10: 25,313 hours; FR Y–10 verification: 956; FR Y–6: 29,253 hours; FR Y–7: 615 hours.

Estimated average hours per response: FR Y–10: 2.25 hours; FR Y–10 verification: 1.25 hours; FR Y–6: 5.25 hours; FR Y–7: 3.75 hours.

Number of respondents: FR Y–10: 3,750; FR Y–10 verification: 765; FR Y–6: 5,572; FR Y–7: 164.

General description of report: These information collections are mandatory under the Federal Reserve Act, the Bank Holding Company Act (BHC Act), and the International Banking Act (12 U.S.C. 248(a)(1), 321, 601, 602, 611a, 615, 625, 1843(k), 1844(c)(1)(A), 3106(a), and 3108(a)), and Regulations K and Y (12 CFR 211.13(c), 225.5(b) and 225.87), and Sections 161, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1)). Individual respondent data are not considered confidential. However, respondents may request confidential treatment for any information that they believe is subject to an exemption from disclosure under the Freedom of Information Act (FOIA), (5 U.S.C. 522(b)(4) and (b)(6)).

Abstract: The FR Y–10 is an event generated information collection submitted by FBOs; top-tier BHCs; state member banks unaffiliated with a BHC; Edge and agreement corporations that are not controlled by a state member bank, a BHC, or an FBO; and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only) to capture changes in their regulated investments and activities. The Federal Reserve uses the data to monitor structure information on subsidiaries and regulated investments of these entities engaged in banking and nonbanking activities. The FR Y–6 is an annual information collection submitted by top-tier BHCs and nonqualifying FBOs. It collects financial data, an organization chart, verification of domestic branch data, and information about shareholders. The Federal Reserve uses the data to monitor holding company operations and determine holding company compliance with the provisions of the BHC Act, Regulation Y (12 CFR 225), and the Home Owners Loan Act. The FR Y–7 is an annual information collection submitted by qualifying FBOs to update their financial and organizational information with the Federal Reserve. The Federal Reserve uses information to assess an FBO's ability to be a continuing source of strength to its U.S. operations and to determine compliance with U.S. laws and regulations.

Current Actions: On June 11, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 34384) requesting public comment for 60 days on the revision, with extension, of the FR Y–10, FR Y–7, and FR Y–6. The comment period for this notice expired on August 10, 2012. The Federal Reserve received three comment letters addressing proposed changes to the FR Y–10 and FR Y–6.

Summary of Comments

FR Y–6 and FR Y–10

The Federal Reserve received three comment letters on the proposed revisions to the FR Y–10 and the FR Y–6: two from bankers' organizations and one from a BHC.

The bankers' organizations expressed concerns on the proposed timeline to submit (as a supplement to the FR Y–10) a one-time verification of each SLHC's organizational structure. After considering these comments, the Federal Reserve will scale back the information collected in the one-time FR Y–10 verification to require only the information needed to submit nonbank financial data for 2013.[1] The Federal Reserve will also extend the timeline for the SLHCs to respond to the one-time verification from thirty days to sixty days. The information required in the one-time verification will be communicated in a transmittal letter.

The commenters also requested a phased approach for submitting the FR Y–6 and FR Y–10 data based on the schedule for submitting nonbank financial data that are due commencing in 2013. Last year the Federal Reserve issued a proposal with the requirement that SLHCs begin filing the annual FR Y–6 report with fiscal year ends beginning December 31, 2012.[2] Thus, the Federal Reserve believes SLHCs have had a reasonable transition period to prepare for the submission of the FR Y–6 report. However, the Federal Reserve recognizes the challenges to meet the proposed submission of the event-generated FR Y–10 data and agree that a phased-in approach for reporting nonbank subsidiaries on the FR Y–10 is appropriate. SLHCs will file the FR Y–10 data by June 30, 2013, for their nonbank subsidiaries that meet the quarterly financial reporting criteria. SLHCs will file the FR Y–10 data by September 30, 2013, for their nonbank subsidiaries that file financial reports annually. SLHCS will file the FR Y–10 data by December 31, 2013, for their nonbank subsidiaries that do not file financial reports.

In addition, the bankers' organizations asked for clarification on the requirement for intermediate holding companies (IHC) to report the FR Y–6 and FR Y–10. The current regulatory reporting requirement that top-tier holding companies submit the FR Y–6 and FR Y–10 will continue until a separate proposed rule is issued on IHCs. At that time, the Federal Reserve will address the reporting requirements of the IHC.

The bankers' organizations also expressed concern about reporting on the activities of certain SLHCs, namely ''grandfathered SLHCs'' and requested that the instructions be clarified. While the activities of grandfathered SLHCs are exempt from the limitations in 12 CFR 238.51(b), there is no statutory or regulatory exemption from reporting on such activities. The reporting and examination requirements in the Home Owners' Loan Act and the Federal Reserve's Regulation LL apply to all SLHCs, with no exceptions for grandfathered SLHCs or their activities. Therefore, no changes will be made to the reporting requirements for grandfathered activities by certain SLHCs. However, the Federal Reserve will clarify the instructions of the reporting requirements for grandfathered SLHCs.

FR Y–10

The BHC suggested using the term ''nonfinancial company'' instead of ''nonbanking company'' on the 4(k) Schedule of the FR Y–10 whenever the

[1] The changes to require SLHCs to submit financial data for their nonbank subsidiaries were covered in a separate proposal and the final notice was published December 29, 2011 (76 FR 81933).

[2] (76 FR 53129) August 25, 2011 and (76 FR 81933) December 29, 2011.

reference is to nonfinancial investments held by a qualified financial holding company and reported in the lower section of the 4(k) Schedule. The Federal Reserve agrees and will replace the reference to nonbanking company with nonfinancial company on the 4(k) Schedule and instructions of the FR Y–10.

Final approval under OMB delegated authority the extension for three years, without revision, of the following report:

Report title: Supplement to the Report of Changes in Organizational Structure.

Agency form number: FR Y–10E.

OMB control number: 7100–0297.

Frequency: Event-generated.

Reporters: FBOs, top-tier bank holding companies (BHCs), state member banks that are not controlled by a BHC, Edge and agreement corporations that are not controlled by a member bank, a BHC, or a FBO; and nationally chartered banks that are not controlled by a BHC (with regard to their foreign investments only).

Estimated annual reporting hours: 1,875 hours.

Estimated average hours per response: 0.50 hours.

Number of respondents: 3,750.

General description of report: This information collection is mandatory under the Federal Reserve Act, the Bank Holding Company Act (BHC Act), and the International Banking Act (12 U.S.C. 248(a)(1), 321, 601, 602, 611a, 615, and 625, 1843(k), 1844(c)(1)(A), 3106(a)) and Regulation K and Y (12 CFR 211.13(c), 225.5(b) and 225.87) and Sections 161, 312, 618, and 809 of the Dodd-Frank Act (12 U.S.C. 5361, 5412, 1850a(c)(1), and 5468(b)(1)). Individual respondent data are not considered confidential. However, respondents may request confidential treatment for any information that they believe is subject to an exemption from disclosure under the Freedom of Information Act (FOIA), (5 U.S.C. 522(b)(4) and (b)(6)).

Abstract: The FR Y–10E is a free-form supplement that may be used to collect additional structural information deemed to be critical and needed in an expedited manner.

Current Actions: On June 11, 2012, the Federal Reserve published a notice in the **Federal Register** (77 FR 34384) requesting public comment for 60 days on the extension, without revision, of the Supplement to the Report of Changes in Organizational Structure (FR Y–10E). The comment period for this notice expired on August 10, 2012. The Federal Reserve did not receive any comments on the FR Y–10E.

Board of Governors of the Federal Reserve System, September 10, 2012.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2012–22591 Filed 9–13–12; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et s*eq.) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 2012.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Financial Services Holding Corporation,* Henderson, Kentucky; to acquire 100 percent of the voting shares of Harrison Bancorporation, and thereby indirectly acquire voting shares of The Harrison Deposit Bank and Trust Company, both in Cynthiana, Kentucky.

Board of Governors of the Federal Reserve System, September 10, 2012.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2012–22590 Filed 9–13–12; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Reports Clearance Officer at (301) 443–1984.

Comments are invited on: (a) The proposed collection of information for the proper performance of the functions of the agency; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Health Education Assistance Loan (HEAL) Program: Forms (OMB No. 0915–0043)—Extension

The Health Education Assistance Loan (HEAL) program continues to administer and monitor outstanding loans which were provided to eligible students to pay for educational costs in a number of health professions. HEAL forms collect information that is required for responsible program management. The HEAL Repayment Schedule, Fixed and Variable, provides the borrower with the cost of a HEAL loan, the number and amount of payments, and the Truth-in-Lending disclosures. The Lender's Report on HEAL Student Loans Outstanding (Call Report), provides information on the status of loans outstanding by the number of borrowers and total number of loans whose loan payments are in various stages of the loan cycle, such as student education and repayment, and

the corresponding dollar amounts. These forms are needed to provide borrowers with information on the cost of their loan(s) and to determine which lenders may have excessive delinquencies and defaulted loans.

The annual estimate of burden is as follows:

Instrument	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Disclosure: Repayment Schedule HRSA 502–1, 2	7	50	350	.50	175
Reporting: Call Report HRSA 512	15	4	60	.75	45
Total Reporting and Disclosure	22		410		220

Email comments to *paperwork@hrsa.gov,* or mail the HRSA Reports Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: September 10, 2012.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2012–22707 Filed 9–13–12; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Community Preventive Services Task Force (Task Force)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the next meeting of the Community Preventive Services Task Force (Task Force). The Task Force is independent and nonfederal. Its members are nationally known leaders in public health practice, policy, and research, and are appointed by the CDC Director. The Task Force was convened in 1996 by the Department of Health and Human Services (HHS) to assess the effectiveness of community, environmental, population, and healthcare system interventions in public health and health promotion. During this meeting, the Task Force will consider the findings of systematic reviews and issue recommendations and findings to help inform decision making about policy, practice, and research in a wide range of U.S. settings. The Task Force's recommendations, along with the systematic reviews of the scientific evidence on which they are based, are compiled in the *Guide to Community Preventive Services (Community Guide).*

DATES: The meeting will be held on Wednesday, October 10, 2012 from 8:30 a.m. to 5:30 p.m., EST and Thursday, October 11, 2012 from 8:30 a.m. to 1 p.m. EST.

ADDRESSES: The Task Force Meeting will be held at the Emory Conference Center at 1615 Clifton Road, Atlanta, GA 30329. Information regarding logistics will be available on the Community Guide Web site (*www.thecommunityguide.org*), Wednesday, September 12, 2012.

FOR FURTHER INFORMATION CONTACT: Allyson Brown, The Community Guide Branch, Epidemiology and Analysis Program Office, Office of Surveillance, Epidemiology, and Laboratory Services, Centers for Disease Control and Prevention, 1600 Clifton Road, MS–E–69, Atlanta, Georgia 30333, phone: (404) 498–0937), email: *CPSTF@cdc.gov.*

Purpose: The purpose of the meeting is for the Task Force to consider the findings of systematic reviews and issue recommendations and findings to help inform decision making about policy, practice, and research in a wide range of U.S. settings.

Matters To Be Discussed: Matters to be discussed: Tobacco, oral health and cardiovascular disease.

Meeting Accessibility: This meeting is open to the public, limited only by space availability.

Dated: September 10, 2012.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2012–22654 Filed 9–13–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Multi-Agency Informational Meeting Concerning Compliance With the Federal Select Agent Program; Public Webcast

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of public webcast.

SUMMARY: The Centers for Disease Control and Prevention (CDC) in the Department of Health and Human Services (HHS) announces the notice of a public webcast concerning compliance with the Federal Select Agent Program. The purpose of this notice is to notify all interested parties, including individuals and entities possessing, using, or transferring biological agents and toxins listed in 7 CFR 331.3, 9 CFR 121.3 and 121.4, or 42 CFR 73.3 and 73.4, of the webcast. The webcast is organized by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS), the Department of Health and Human Services Centers for Disease Control and Prevention (HHS/CDC), and the Department of Justice's Federal Bureau of Investigation (FBI). Issues to be discussed include changes to the select agent regulations; occupational health, information and physical security; personnel suitability; Bioterrorism Security Risk Assessment Form (FD–961 form); and changes to the Application for Laboratory Registration for Possession, Use, and Transfer of Select Agents and Toxins (APHIS/CDC Form 1).

DATES: The webcast will be held on Friday, November 16, 2012 from 9 a.m. to 5 p.m. EST. All who wish to join the webcast must register by October 16, 2012. Registration instructions are found on the Federal Select Agent Program Web site, *http://www.selectagents.gov.*

ADDRESSES: The webcast will be broadcast from the Centers for Disease Control and Prevention facility, 1600 Clifton Rd. NE., Atlanta, GA 30329.

FOR FURTHER INFORMATION CONTACT:

CDC: LCDR. Jacinta Smith, Division of Select Agents and Toxins, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., MS A–46, Atlanta, GA 30333; *lrsat@cdc.gov*.

APHIS: Dr. Lidia Carrera, APHIS Select Agent Program, APHIS, 4700 River Road, Unit 2, Riverdale, MD 20737; *Lidia.Carrera@aphis.usda.gov*

SUPPLEMENTARY INFORMATION: Title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, ''Enhancing Controls on Dangerous Biological Agents and Toxins'' (sections 201 through 231), provides for the regulation of certain biological agents and toxins by the Department of Health and Human Services (subtitle A, sections 201–204) and the Department of Agriculture (subtitle B, sections 211–213). Additionally, the statute provides for interagency coordination between the two departments regarding overlap agents and toxins (subtitle C, section 221). For the Department of Health and Human Services(HHS), the Centers for Disease Control and Prevention (CDC) oversees entities that possess, use or transfer select agents and toxins that have the potential to pose a severe threat to public health and safety. The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has a parallel program that oversees entities that possess, use or transfer select agents that have the potential to pose a severe threat to animal or plant health, or to animal or plant products . These two programs constitute the Federal Select Agent Program. The Federal Bureau of Investigation's (FBI) Criminal Justice Information Services conducts security risk assessments of (1) all individuals and nongovernmental entities that request to possess, use, or transfer select agents and toxins, (2) all individuals who need access to select agents and toxins.

The webcast announced in this notice is an opportunity for the regulated community (i.e., registered entity responsible officials, alternate responsible officials, and entity owners) and other interested individuals to obtain specific regulatory guidance and information on standards concerning biosafety, biosecurity and incident response issues related to the Federal Select Agent Program. Representatives from HHS/CDC, USDA/APHIS, and the FBI will be present during the webcast to address questions and concerns from the web participants.

Updates on the changes to the select agent regulations; occupational health, information and physical security; personnel suitability; FD–961 form, and changes to the APHIS/CDC Form 1 are among the issues that will be discussed. A question and answer session will take place after each topic.

Registration instructions are found on the Federal Select Agent Program Web site *http://www.selectagents.gov*. Registration ends on October 16, 2012. This is a webcast only event and there will be no on-site participation at the HHS/CDC broadcast facility. Registration is required for participation. This is a 100% webcast; therefore, in person participation cannot be accommodated.

Participants will be able to submit questions during the webcast at *selectagentwkshp@cdc.gov*. Closed-captioning services will be provided during the webcast.

Dated: September 10, 2012.

Tanja Popovic,

Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2012–22653 Filed 9–13–12; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0937]

Agency Information Collection Activities; Proposed Collection; Comment Request; Clinical Laboratory Improvement Amendments of 1988 Waiver Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on collections of information associated with Clinical Laboratory Improvement Amendments of 1988 waiver applications.

DATES: Submit either electronic or written comments on the collection of information by November 13, 2012.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *Daniel.Gittleson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the Federal Register concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Clinical Laboratory Improvement Amendments Waiver Applications—(OMB Control Number 0910–0598)—Extension

Congress passed the Clinical Laboratory Improvement Amendments (CLIA) (Pub. L. 100–578) in 1988 to establish quality standards for all laboratory testing. The purpose was to ensure the accuracy, reliability, and timeliness of patient test results regardless of where the test took place. CLIA requires that clinical laboratories obtain a certificate from the Secretary of Health and Human Services (the Secretary), before accepting materials derived from the human body for laboratory tests (42 U.S.C. 263a(b)). Laboratories that perform only tests that are ''simple'' and that have an ''insignificant risk of an erroneous result'' may obtain a certificate of waiver (42 U.S.C. 263a(d)(2)). The Secretary has delegated to FDA the authority to determine whether particular tests (waived tests) are ''simple'' and have ''an insignificant risk of an erroneous result'' under CLIA (69 FR 22849, April 27, 2004).

On January 30, 2008, FDA published a guidance document entitled ''Guidance for Industry and FDA Staff: Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices'' (*http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm079632.htm*). This guidance document describes recommendations for device manufacturers submitting to FDA an application for determination that a cleared or approved device meets this CLIA standard (CLIA waiver application). The guidance recommends that CLIA waiver applications include a description of the features of the device that make it ''simple''; a report describing a hazard analysis that identifies potential sources of error, including a summary of the design and results of flex studies and conclusions drawn from the flex studies; a description of fail-safe and failure alert mechanisms and a description of the studies validating these mechanisms; a description of clinical tests that demonstrate the accuracy of the test in the hands of intended operators; and statistical analyses of clinical study results.

The total number of reporting and recordkeeping hours is 143,200 hours. FDA bases the burden on an Agency analysis of premarket submissions with clinical trials similar to the waived laboratory tests. Based on previous years' experience with CLIA waiver applications, FDA expects 40 manufacturers to submit one CLIA waiver application per year. The time required to prepare and submit a waiver application, including the time needed to assemble supporting data, averages 780 hours per waiver application for a total of 31,200 hours for reporting.

Based on previous years' experience with CLIA waiver applications, FDA expects that each manufacturer will spend 2,800 hours creating and maintaining the record for a total of 112,000 hours. The total operating and maintenance cost associated with the waiver application is estimated at $66,200. The cost consists of specimen collection for the clinical study (estimated $23,500); laboratory supplies, reference testing and study oversight (estimated $26,700); shipping and office supplies (estimated $6,000); and educational materials, including quick reference instructions (estimated $10,000).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
CLIA waiver application	40	1	40	780	31,200	$66,200

[1] There are no capital costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
CLIA waiver records	40	1	40	2,800	112,000

Dated: August 30, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–22660 Filed 9–13–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0921]

Agency Information Collection Activities; Proposed Collection; Comment Request; Electronic Submission of Food and Drug Administration Adverse Event Reports and Other Safety Information Using the Electronic Submission Gateway and the Safety Reporting Portal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the use of the FDA Electronic Submission Gateway (ESG) and the Safety Reporting Portal (the SRP) to collect adverse event reports and other

safety information for FDA-regulated products.

DATES: Submit either electronic or written comments on the collection of information by November 13, 2012.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400T, Rockville, MD 20850, *domini.bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

II. Electronic Submission of Food and Drug Administration Adverse Event Reports and Other Safety Information Using the Electronic Submission Gateway and the Safety Reporting Portal—21 CFR 310.305, 314.80, 314.98, 314.540, 514.80, 600.80, 1271.350 and Part 803 (OMB Control Number 0910–0645)—Revision

The SRP (formerly referred to as the MedWatch^{Plus} Portal and Rational Questionnaire) and the ESG are the Agency's electronic systems for collecting, submitting, and processing adverse event reports and other safety information for FDA-regulated products. To ensure the safety and identify any risks, harms, or other dangers to health for all FDA-regulated human and animal products, the Agency needs to be informed whenever an adverse event, product quality problem, or product use error occurs. This risk identification process is the first necessary step that allows the Agency to gather the information necessary to be able to evaluate the risk associated with the product and take whatever action is necessary to mitigate or eliminate the public's exposure to the risk.

Some adverse event reports are required to be submitted to FDA (mandatory reporting) and some adverse event reports are submitted voluntarily (voluntary reporting). Requirements regarding mandatory reporting of adverse events or product problems have been codified in 21 CFR parts 310, 314, 514, 600, 803 and 1271, specifically §§ 310.305, 314.80, 314.98, 314.540, 514.80, 600.80, 803.30, 803.40, 803.50, 803.53, 803.56 and 1271.350(a) (21 CFR 310.305, 314.80, 314.98, 314.540, 514.80, 600.80, 803.30, 803.40, 803.50, 803.53, 803.56 and 1271.350(a)). Many of the adverse event reports submitted to FDA are currently filed in paper format using FDA Forms FDA 3500, 3500A, 1932, and 1932a, approved under OMB control numbers 0910–0284 and 0910–0291. This notice solicits comments on adverse event reports filed electronically via the SRP and the ESG, approved under OMB control number 0910–0645.

III. The FDA Safety Reporting Portal Rational Questionnaires

FDA currently has OMB approval to receive three types of adverse event reports electronically via the SRP using rational questionnaires. In this notice, FDA seeks comments on the extension of OMB approval for the existing three rational questionnaires, as well as comments on a proposed fourth rational questionnaire that will be used for a new safety reporting program being launched by the Center for Tobacco Products (CTP).

A. Reportable Food Registry Reports

The Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–085) (FDAAA) amended the Federal Food, Drug, and Cosmetic Act (the FD&C Act) by creating a new section 417 (21 U.S.C. 350f), Reportable Food Registry (RFR or the Registry). Section 417 of the FD&C Act defines ''reportable food'' as an ''article of food (other than infant formula or dietary supplements) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals.'' (See section 417(a)(2) of the FD&C Act). The Secretary of Health and Human Services (the Secretary) has delegated to the Commissioner of FDA the responsibility for administering the FD&C Act, including section 417. To further the development of the RFR, section 417 of the FD&C Act required FDA to establish an electronic portal by which instances of reportable food (''RFR reports'') must be submitted to FDA by responsible parties and may be submitted by public health officials. A ''responsible party'' is the person who submits the registration under section 415(a) of the FD&C Act (21 U.S.C. 350d) for a food facility that is required to register under section 415(a), at which such article of food is manufactured, processed, packed, or held. The RFR electronic portal was established in 2009 as part of the MedWatch^{Plus} Portal, now the SRP, and approved under OMB control number 0910–0645.

The Congressionally identified purpose of the RFR is to provide ''a reliable mechanism to track patterns of adulteration in food [which] would support efforts by the Food and Drug Administration to target limited inspection resources to protect the public health'' (121 Stat. 965). The RFR reports are designed to enable FDA to quickly identify, track, and remove from commerce an article of food (other than infant formula and dietary supplements) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals. FDA uses the information collected to help ensure that such products are quickly and efficiently removed from the market to prevent foodborne illnesses.

On January 4, 2011, the President signed into law the FDA Food Safety Modernization Act (Pub. L. 111–353)

(the legislation or FSMA). Section 211 of the legislation amended section 417 of the FD&C Act to require FDA to collect additional information in the Agency's RFR reports:

(1) A description of the article of food;

(2) Affected product identification codes, such as Universal Product Code, Stock Keeping Unit, or lot or batch numbers sufficient for the consumer to identify the article of food;

(3) Contact information for the responsible party; and

(4) Any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

Section 211 of FSMA also amended section 417 of the FD&C Act to require FDA to generate one-page notices from RFR reports to post on *www.fda.gov* for grocery stores to display to consumers when a reportable food has been sold. The amendment made by section 211 of FSMA took effect June 4, 2012, 18 months after the date of enactment. To comply with this statutory deadline, FDA initially obtained OMB approval of the additional collection of information requirements under the emergency processing provisions of the PRA under OMB control number 0910–0709. The new data improves the RFR's effectiveness in carrying out its purpose of tracking patterns of adulteration in food and supporting FDA's efforts to target limited inspection resources to protect the public health.

Table 1 of this document, entitled ''New Data Elements for RFR Reports,'' presents the new data elements aded by FDA to RFR Reports on June 4, 2012.

TABLE 1—NEW DATA ELEMENTS FOR RFR REPORTS

Field text	Mandatory or optional input	Authority if mandatory
Reason this food is reportable (agent)	Mandatory	Section 417(e)(4) of the FD&C Act.
What did your investigation identify as the root cause of the problem (if you were required to conduct an investigation under section 417(d)(1)(B) of the FD&C Act)?	Mandatory	Section 417(e)(5) of the FD&C Act.
How did you determine which products/lots/batches were affected?	Mandatory	Section 417(e)(4) and (5) of the FD&C Act.
To the best of your knowledge, has all of the reportable food been removed from commerce?	Mandatory	Section 417(e)(6) of the FD&C Act.
What corrective actions have been taken to prevent future occurrences?	Optional.	
Product Commodity Type	Mandatory	Section 417(e)(3) of the FD&C Act.
Manufacturing/Production Date(s)	Mandatory	Section 417(e)(3) and (4) of the FD&C Act.
Use-by dates, if any, or approximate Shelf Life	Mandatory	Section 417(e)(7) of the FD&C Act.
Was product treated to reduce microorganisms	Mandatory (but conditional)	Section 417(e)(3) and (4) of the FD&C Act.
Microbial Reduction Treatment Details	Mandatory (but conditional)	Section 417(e)(3) and (4) of the FD&C Act (Conditional for microbial hazards only and only after ''yes'' answer to ''was product treated to reduce microorganisms?'')
Is a Bacterial Isolate Available for collection?	Mandatory (but conditional)	Section 417(e)(4) of the FD&C Act (Conditional for microbial hazards only.)
Animal Species Intended for	Mandatory	Section 417(e)(3) and (4) of the FD&C Act.
Life Stage of Animal Intended for	Mandatory	Section 417(e)(3) and (4) of the FD&C Act.
Have you notified all immediate previous sources of this reportable food?	Optional	
Have you notified all immediate subsequent recipients of this reportable food?	Mandatory	Section 417(e)(6) of the FD&C Act.

In this request for extension of OMB approval, FDA is combining the burden hours associated with OMB control number 0910–0709 with the burden hours approved under this OMB control number (0910–0645).

B. Reports Concerning Experience With Approved New Animal Drugs

Section 512(l) of the FD&C Act (21 U.S.C. 360b(l)) and § 514.80(b) of FDA's regulations (21 CFR 514.80) require applicants of approved new animal drug applications (NADAs) and approved abbreviated new animal drug applications (ANADAs) to report adverse drug experiences and product/manufacturing defects.

This continuous monitoring of approved NADAs and ANADAs affords the primary means by which FDA obtains information regarding potential problems with the safety and efficacy of marketed approved new animal drugs as well as potential product/manufacturing problems. Post-approval marketing surveillance is important because data previously submitted to FDA may no longer be adequate, as animal drug effects can change over time and less apparent effects may take years to manifest.

If an applicant must report adverse drug experiences and product/manufacturing defects and chooses to do so using the Agency's paper forms, the applicant is required to use Form FDA 1932, ''Veterinary Adverse Drug Reaction, Lack of Effectiveness, Product Defect Report.'' Periodic drug experience reports and special drug experience reports must be accompanied by a completed Form FDA 2301, ''Transmittal of Periodic Reports and Promotional Material for New Animal Drugs'' (see § 514.80(d)). Form FDA 1932a, ''Veterinary Adverse Drug Reaction, Lack of Effectiveness or Product Defect Report'' allows for voluntary reporting of adverse drug experiences or product/manufacturing defects. Collection of information using existing paper forms FDA 2301, 1932, and 1932a is approved under OMB control number 0910–0284. Alternatively, an applicant may choose to report adverse drug experiences and product/manufacturing defects electronically. Collection of this information electronically was approved in 2010 under OMB control number 0910–0645. The electronic submission data elements to report adverse drug experiences and product/manufacturing defects electronically remain unchanged in this request for extension of OMB approval.

C. Pet Food Early Warning System

Section 1002(b) of FDAAA directed the Secretary to establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food. As part of the effort to fulfill that directive, the Secretary tasked FDA with developing the instrument that would allow consumers to report voluntarily adverse events associated with pet food.

FDA developed the Pet Food Early Warning System rational questionnaire as a user-friendly data collection tool, to make it easy for the public to report a safety problem with pet food. The Pet Food Early Warning System is designed to identify adulteration of the pet food supply and outbreaks of illness associated with pet food to enable FDA to quickly identify, track, and remove from commerce such articles of food. FDA uses the information collected to help ensure that such products are quickly and efficiently removed from the market to prevent foodborne illnesses. In 2010, OMB approved the Pet Food Early Warning System component of the SRP under OMB control number 0910–0645, and FDA launched the rational questionnaire by which consumers may electronically report adverse events associated with pet food. The electronic submission data elements to report adverse events associated with pet food remain unchanged in this request for extension of OMB approval.

D. Voluntary Tobacco Product Adverse Event and Product Problem Reports

As noted, this notice seeks comments on a proposed fourth rational questionnaire that will be used for a new safety reporting program being launched by the FDA Center for Tobacco Products (CTP) to collect voluntary tobacco product adverse event and product problem reports.

FDA has broad legal authority under the FD&C Act to protect the public health. CTP's mission is to protect Americans from tobacco-related death and disease by regulating the manufacture, distribution, and marketing of tobacco products and by educating the public, especially young people, about tobacco products and the dangers their use poses to themselves and others. The Family Smoking Prevention and Tobacco Control Act of 2009 (Pub. L. 111–31) (Tobacco Control Act) amended the FD&C Act by creating a new section 909 (21 U.S.C. 387i, Records and Reports on Tobacco Products). Section 909(a) of the FD&C Act (21 U.S.C. 387i(a)) authorizes FDA to establish regulations with respect to mandatory adverse event reports associated with the use of a tobacco product. At this time, FDA is proposing to collect voluntary adverse event reports associated with the use of tobacco products from interested parties such as health care providers, researchers, consumers, and other users of tobacco products. Information collected in voluntary adverse event reports will contribute to CTP's ability to be informed of, and assess the real consequences of, tobacco product use. The need for this collection of information derives from our objective to obtain current, timely, and policy-relevant information to carry out our statutory functions. The FDA Commissioner is authorized to undertake this collection as specified in section 1003(d)(2) of the FD&C Act (21 U.S.C. 393(d)(2)).

CTP currently receives adverse event and product problem reports primarily via paper MedWatch forms, approved under OMB control number 0910–0291. MedWatch forms, although recently updated with field labels and descriptions to better clarify for reporters the range of reportable products, including tobacco products, do not specifically include questions relevant for the analysis of adverse events or product problems related to tobacco products. The proposed voluntary tobacco product adverse event and product problem rational questionnaire will include these specific questions. The questionnaire evolved with input from a National Institutes of Health team of human-factors experts, from other regulatory Agencies, and with extensive input from consumer advocacy groups and the general public. FDA is also working with the FDA Internet team to follow the HHS Internet guidelines for Web design. FDA has and will continue to reach out to professional organizations and community interest groups to collect feedback during the user acceptance testing. The rational questionnaire will provide the user with detailed navigation instructions to include drop-down menus, lists of values, controlled vocabularies, and mouse over help where possible. In addition, CTP will issue guidance for the rational questionnaire. Finally, we note that users who are unable to submit reports using the electronic system will still be able to provide their information by paper form (by mail or fax) or telephone.

The rational questionnaire will capture tobacco-specific adverse event and product problem information from voluntary reporting entities such as health care providers, researchers, consumers, and other users of tobacco products. To carry out its responsibilities, FDA needs to be informed when an adverse event, product problem, or error with use is suspected or identified. When FDA receives tobacco-specific adverse event and product problem information, it will use the information to assess and evaluate the risk associated with the product, and then FDA will take whatever action is necessary to reduce, mitigate, or eliminate the public's exposure to the risk through regulatory and public health interventions.

IV. Information Collection Burden Estimate

Description of respondents: The respondents to this collection of information include all persons submitting mandatory or voluntary adverse event reports electronically to FDA via the ESG or the SRP.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Voluntary Adverse Event Report via the SRP (Other than RFR Reports).	3800	1,513	1	1,513	0.6 (36 minutes)	908
Mandatory Adverse Event Report via the SRP (Other than RFR Reports).	3800	636	1	636	1.0	636
Mandatory Adverse Event Report via the ESG (Gateway-to-Gateway transmission).	3800	1,491,228	1	1,491,228	0.6 (36 minutes)	894,737

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Activity	FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Mandatory and Voluntary RFR Reports via the SRP.	3800	1,413	1	1,413	0.6 (36 minutes)	848
Total						897,129

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The Agency's estimate of the number of respondents and the total annual responses in table 2, Estimated Annual Reporting Burden, is based primarily on mandatory and voluntary adverse event reports electronically submitted to the Agency. The estimated total annual responses are based on initial reports. Follow-up reports, if any, are not counted as new reports. Based on its experience with adverse event reporting, FDA estimates that it will take a respondent 0.6 hour to submit a voluntary adverse event report via the SRP, 1.0 hour to submit a mandatory adverse event report via the SRP, and 0.6 hour to submit a mandatory adverse event report via the ESG (gateway-to-gateway transmission). Both mandatory and voluntary RFR reports must be submitted via the SRP. FDA estimates that it will take a respondent 0.6 hour to submit a RFR report, whether the submission is mandatory or voluntary.

Voluntary adverse event reports submitted via the SRP (other than RFR Reports) include reports associated with pet food (the Pet Food Early Warning System) and the new tobacco product adverse event and product problem reports. CVM received 845 pet food adverse event reports in 2010; 1,293 reports in 2011; and 471 reports in the first 4 months of 2012; and estimates that for the full 12 months of 2012 it will receive 1,413 reports. Based on this experience, CVM estimates that it will receive, on average, 1,413 pet food reports annually over the next 3 years. CTP estimates that it will receive approximately 100 voluntary tobacco product adverse event and product problem reports annually, after implementation of electronic reporting. CTP received 27 reports in 2010, 30 reports in 2011, and 22 reports in the first half of 2012, and estimates that for the full 12 months of 2012 it will receive over 40 reports. Based on this experience and an expectation that reporting will increase once electronic reporting is launched, CTP estimates that it will receive, on average, 100 voluntary adverse event and product problem reports annually over the next 3 years. Thus, FDA estimates that over the next 3 years it will receive annually 1,513 voluntary adverse event reports submitted via the SRP, with a burden of 907.8 hours, rounded to 908 hours, as reported in table 2, row 1 (1,413 + 100 = 1,513).

Mandatory adverse event reports submitted via the SRP (other than RFR Reports) include reports of adverse animal drug experiences and product/manufacturing defects associated with approved NADAs and ANADAs. CVM received 144 such adverse event reports in 2010, 537 reports in 2011, and 212 reports in the first 4 months of 2012, and estimates that for the full 12 months of 2012 it will receive 636 reports. Based on this experience, CVM estimates that it will receive, on average, 636 reports of adverse drug experiences and product/manufacturing defects associated with approved NADAs and ANADAs annually over the next 3 years. Thus, FDA estimates that over the next 3 years it will receive annually 636 mandatory adverse event reports submitted via the SRP, with a burden of 636 hours, as reported in table 2, row 2.

Adverse event reports submitted via the ESG include reports of adverse experiences related to drugs, biological products, and medical devices, as well as, adverse animal drug experiences and product/manufacturing defects associated with approved NADAs and ANADAs. FDA received 586,229 such adverse event reports in 2010; 850,161 reports in 2011; and 497,076 reports in the first 4 months of 2012; and estimates that for the full 12 months of 2012 it will receive 1,491,228 reports. Based on this experience, FDA estimates that it will receive, on average, 1,491,228 adverse event reports submitted via the ESG, with a burden of 894,736.8 hours, rounded to 894,737 hours, as reported in table 2, row 3.

FDA estimates that over the next 3 years it will receive annually 1,413 mandatory and voluntary RFR Reports submitted via the SRP, as reported in table 2, row 4. CFSAN received 845 such adverse event reports in 2010; 1,293 reports in 2011; and 471 reports in the first 4 months of 2012; and estimates that for the full 12 months of 2012 it will receive 1,413 reports. Based on this experience, CFSAN estimates that it will receive, on average, 1,413 mandatory and voluntary RFR Reports submitted via the SRP annually over the next 3 years, with a burden of 847.8 hours, rounded to 848 hours, as reported in table 2, row 4.

The burden hours required to complete paper FDA reporting forms (Forms FDA 3500, 3500A, 1932, and 1932a) are reported under OMB control numbers 0910–0284 and 0910–0291.

While FDA does not charge for the use of the ESG, FDA requires respondents to obtain a public key infrastructure certificate in order to set up the account. This can be obtained in-house or outsourced by purchasing a public key certificate that is valid for 1 year to 3 years. The certificate typically costs from $20 to $30.

Dated: August 29, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–22659 Filed 9–13–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369 (formerly Docket 2007D–0168)]

Draft and Revised Draft Guidances for Industry Describing Product-Specific Bioequivalence Recommendations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of additional draft and revised draft product-specific bioequivalence (BE) recommendations. The recommendations provide product-specific guidance on the design of BE studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance

for industry entitled ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site. The BE recommendations identified in this notice were developed using the process described in that guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on these draft and revised draft guidances before it begins work on the final versions of the guidances, submit either electronic or written comments on the draft and revised draft product-specific BE recommendations listed in this notice by November 13, 2012.

ADDRESSES: Submit written requests for single copies of the individual BE guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance recommendations.

Submit electronic comments on the draft product-specific BE recommendations to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: K. Geoffrey Wu, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9326.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*. As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. Under that process, draft recommendations are posted on FDA's Web site and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final recommendations or publishes revised draft recommendations for comment. Recommendations were last announced in the **Federal Register** of June 14, 2012 (77 FR 35688). This notice announces draft product-specific recommendations, either new or revised, that are being posted on FDA's Web site concurrently with publication of this notice.

II. Drug Products for Which New Draft Product-Specific BE Recommendations Are Available

FDA is announcing new draft product-specific BE recommendations for drug products containing the following active ingredients:

A

Amoxicillin
Amoxicillin; clavulanate potassium
Amphetamine aspartate; amphetamine sulfate; dextroamphetamine saccharate; dextroamphetamine sulfate

B

Budesonide
Bupropion hydrochloride (multiple reference listed drugs (RLDs))

C

Calcitonin salmon
Carbidopa; levodopa
Carglumic acid
Ciclesonide
Ciprofloxacin; dexamethasone
Cyclophosphamide

D

Dalteparin sodium

E

Estramustine phosphate sodium

F

Fentanyl citrate

K

Ketoconazole

L

Linagliptin

M

Mesalamine (multiple RLDs and dosage forms)
Methylphenidate hydrochloride (multiple RLDs)

N

Nifedipine

O

Omega-3-acid ethyl esters
Omeprazole

P

Paclitaxel
Pazopanib hydrochloride
Progesterone

R

Rilpivirine hydrochloride
Roflumilast

S

Saxagliptin hydrochloride

T

Telaprevir
Tenofovir disoproxil fumarate
Thioguanine
Thalidomide
Tretinoin (multiple RLDs and dosage forms)

III. Drug Products for Which Revised Draft Product-Specific BE Recommendations Are Available

FDA is announcing revised draft product-specific BE recommendations for drug products containing the following active ingredients:

A

Azacitidine
Azelaic acid

C

Capecitabine

E

Estrogen, esterified
Etravirine

H

Hydrochlorothiazide; losartan potassium

L

Lopinavir; ritonavir

P

Phytonadione (multiple RLDs and dosage forms)
Propranolol hydrochloride

S

Sapropterin dihydrochloride
Sumatriptan

T

Tadalafil
Theophylline (multiple RLDs)
Tolterodine tartrate
Topiramate
Trazodone hydrochloride

For a complete history of previously published **Federal Register** notices related to product-specific BE recommendations, please go to *http://www.regulations.gov* and enter docket number FDA–2007–D–0369.

These draft and revised draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These guidances represent the Agency's current thinking on product-specific design of BE studies to support ANDAs. They do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An

alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

IV. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments on any of the specific BE recommendations posted on FDA's Web site. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. The guidances, notices, and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm or http://www.regulations.gov*.

Dated: September 4, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–22658 Filed 9–13–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request: Process Evaluation of the Early Independence Award (EIA) Program

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of Strategic Coordination (OSC), Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on June 13, 2012 (Vol. 77, No 114, Page 35408), and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The NIH may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: Process Evaluation of the Early Independence Award (EIA) Program. *Type of Information Collection Request:* NEW. *Need and Use of Information Collection:* This study will assess the EIA program operations. The primary objectives of the study are to: (1) Assess if the Requests for Applications (RFAs) are meeting the needs of applicants; (2) document the selection process; (3) document EIA program operations; (4) assess the progress being made by the Early Independence Principal Investigators; and (5) assess the support provided by the Host Institutions to the Early Independence Principal Investigators. The findings will provide valuable information concerning: (1) Aspects of the program that could be revised or improved; (2) progress made by the Early Independence Principal Investigators; and (3) implementation of the program at Host Institutions. *Frequency of Response:* On occasion. *Affected Public:* None. *Type of Respondents:* Applicants, reviewers, and awardees. The annual reporting burden is as follows: *Estimated Number of Respondents:* 390; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* .4; and *Estimated Total Annual Burden Hours Requested:* 158. The annualized cost to respondents is estimated at $9,774. There are no Capital Costs to report.

A.12.1—ANNUALIZED ESTIMATE OF HOUR BURDEN

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hrs.)	Annual hour burden
Editorial Board Reviewers (paper survey)	15	1	15/60	4
Applicants—Junior Scientists (online survey)	150	1	15/60	38
Applicants—Officials of Host Institutions (online survey)	150	1	15/60	38
Awardees—Early Independence Principal Investigator (paper survey—beginning of 1st year of award)	12	1	30/60	6
Awardees—Early Independence Principal Investigator (phone interview—end of 1st year of award)	12	1	1	12
Awardees—Early Independence Principal Investigator (online survey—end of 2nd and 3rd year of award)	24	1	1	24
Awardees—Point of Contact at Host Institution (phone interview—end of 1st year of award)	12	1	1	12
Awardees—Point of Contact at Host Institution (online survey—end of 2nd and 3rd year of award)	24	1	1	24
Total				158

Request for Comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and

instruments, contact Dr. Ravi Basavappa, OSC, DPCPSI, Office of the Director, NIH, 1 Center Drive, MSC 0189, Building 1, Room 203, Bethesda, MD 20892–0189; telephone 301–594–8190; fax 301–435–7268; or email your request, including your address, to *earlyindependence@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: September 7, 2012.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2012–22741 Filed 9–13–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request: A Multi-Center International Hospital-Based Case-Control Study of Lymphoma in Asia (AsiaLymph) (NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Cancer Institute (NCI), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on February 24, 2012 (77 FR 11136) and allowed 60 days for public comment. There was one public comment that was not relevant to the scope, methodology, or burden of the study. The program staff submitted a response to the public comment. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Title: A Multi-Center International Hospital-Based Case-Control Study of Lymphoma in Asia (AsiaLymph) (NCI) (OMB No. 0925–0654). *Type of Information Collection Request:* Extension. *Need and Use of Information Collection:* Incidence rates of certain lymphomas have increased in the United States and in many other parts of the world. The contribution of environmental, occupational, and genetic factors to the cause of lymphoma has generated a series of new findings from epidemiological studies conducted in the United States that have attempted to explain this increase. This study focuses on collecting critically needed information to understand and reduce the cancer burden from lymphoid malignancies in the Asian population, the incidence of which has risen in recent decades. Specifically, environmental exposures to industrial emissions, genetic susceptibility, viral exposures, early life exposures, ultraviolet (UV) radiation exposures, and other risk factors for lymphoma overall and specifically for populations in Asia will be examined. Patients from 19 participating hospitals will continue to be screened and enrolled. There will be a one-time computer-administered interview, and patients will also be asked to provide a one-time blood and buccal cell mouth wash sample and lymphoma cases will be asked to make available a portion of their pathology sample. *Frequency of Response:* Once. *Affected Public:* Individuals. *Type of Respondents:* Newly diagnosed patients with lymphoma or patients undergoing surgery or other treatment for non-cancer related medical issues who live in Taiwan and in Hong Kong, Chengdu and Tianjin, China will be enrolled at treating hospitals. The annual reporting burden is estimated at 5,302 hours (see Table below). There are $77,000 in Capital Costs, Operating Costs, and/or Maintenance Costs to report.

ESTIMATES OF ANNUAL BURDEN HOURS

Category of respondents	Types of respondents	Number of respondents	Frequency of response	Average time per response (minutes/hour)	Annual burden hours
Individuals	Patients to be Screened	3,100	1	5/60	258
	Patients with Lymphoma	1,100	1	105/60	1,925
	Other Patients	1,100	1	105/60	1,925
	Study Pathologists	19	58	5/60	92
	Interviewers	19	116	30/60	1102
Total					5,302

Request For Comments: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proposed performance of the functions of the agency, including whether the information may have practical utility; (2) The accuracy of the estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Attention: NIH Desk Officer, Office of Management and Budget, at *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974. To request more information on the proposed project or to obtain a copy of the data collection plans, contact Nathaniel Rothman, Senior Investigator for the Occupational and Environmental Epidemiology Branch, Division of Epidemiology and Genetics, National Cancer Institute, 6120 Executive Boulevard, Room 8118, Rockville, MD 20892 or call non-toll-free number 301–496–9093 or email your request, including your address to: *rothmann@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: September 5, 2012.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2012–22740 Filed 9–13–12; 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: Oncology 1—Basic Translational Integrated Review Group; Cancer Genetics Study Section.

Date: October 15, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: InterContinental Chicago Hotel, 505 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Michael L Bloom, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7804, Bethesda, MD 20892, 301–451–0132, *bloomm2@mail.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Language and Communication Study Section.

Date: October 15, 2012.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Weijia Ni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 237–9918, *niw@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Long Beach and Executive Center, 701 West Ocean Boulevard, Long Beach, CA 90831.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Dowtown, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bonnie L Burgess-Beusse, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov.*

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Cancer Molecular Pathobiology Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 5:00 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: Manzoor Zarger, Ph.D.. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477.

Name of Committee: Cell Biology Integrated Review Group; Nuclear and Cytoplasmic Structure/Function and Dynamics Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, b*alasundaramd@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics A Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue Bethesda, MD 20814.

Contact Person: Michael M Sveda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1114, MSC 7890, Bethesda, MD 20892, 301–435–3565, *svedam@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Lung Injury, Repair, and Remodeling Study Section.

Date: October 15–16, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Bacterial Pathogenesis Study Section.

Date: October 15, 2012.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Lombardy, 2019 Pennsylvania Avenue NW., Washington, DC 20006.

Contact Person: Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–402–4454, *kostrikr@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: September 10, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–22616 Filed 9–13–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Skeletal Muscle.

Date: October 23, 2012.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Rebecca J. Ferrell, Ph.D., Scientific Review Officer, National Institute On Aging, Gateway Building Rm. 2c212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7703, *ferrellrj@mail.nih.gov*.

Name of Committee: National Institute on Aging Special Emphasis Panel; Oxidative Stress and Aging.
Date: November 8, 2012.
Time: 11:00 a.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2c/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV*.

Name of Committee: National Institute on Aging Special Emphasis Panel; Behavioral and Neural Plasticity in Aging.
Date: November 15, 2012.
Time: 12:30 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2c/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 10, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–22617 Filed 9–13–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Alzheimer's Network.
Date: October 4, 2012.
Time: 7:30 p.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, 1 Bethesda Metro Center, 7400 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: William Cruce, Ph.D., Scientific Review Officer, National Institute On Aging, Scientific Review Branch, Gateway Building 2C–212, 7201 Wisconsin Ave., Bethesda, MD 20814, 301–402–7704, *crucew@nia.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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 10, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–22615 Filed 9–13–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0047]

Agency Information Collection Activities: Employment Eligibility Verification, Form I–9, OMB Control No. 1615–0047; Correction

ACTION: 30-Day Notice Correction; Correction.

On August 22, 2012, the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) published a 30-day notice in the **Federal Register** at 77 FR 50710. This 30-day notice was published to allow for a 30-day public comment period on the proposed revisions to the information collection, Employment Eligibility Verification, Form I–9; and to notify the public that USCIS will be submitting the information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

In the 30-day notice published on August 22, 2012 at 77 FR 50710, USCIS inadvertently did not indicate that comments in response to the 30-day notice should be directed to the OMB USCIS Desk Officer in accordance with 8 CFR 1320. On September 10, 2012, USCIS corrected this error by publishing a 30-day notice correction in the **Federal Register** at 77 FR 55486. This 30-day notice correction directed public comments to both OMB and DHS with instructions on how to submit public comments, and extended the public comment period closing date from Friday, September 21, 2012 to Thursday, September 27, 2012, to ensure the public sufficient opportunity to comment on the information collection.

In the 30-day notice correction published on September 10, 2012 at 77 FR 55486, under the instructions on how to submit comments via the Federal e-Rulemaking Portal Web site at *http://www.Regulations.gov,* USCIS referenced an incorrect e-Docket ID number USCIS–2006–2008 due to a typographical error. The correct e-Docket ID number is USCIS–2006–0068. With this second correction notice, USCIS is correcting this typographical error. Currently, the e-Docket ID number USCIS–2006–2008 is not assigned to any agency action. Therefore, when submitting public comments to DHS via the Federal e-Rulemaking Portal Web site at *www.Regulation.gov,* comments should be submitted under e-Docket ID number USCIS–2006–0068 and not USCIS–2006–2008. USCIS is also extending the public comment period until October 15, 2012 to give the public sufficient opportunity to comment on the proposed information collection.

Written comments and/or suggestions regarding the item(s) contained in the 30-day notice published in the **Federal Register** on August 22, 2012, at 77 FR 50710 should be directed to Office of Information and Regulatory Affairs, OMB, USCIS Desk Officer and to DHS. Commenters should direct submissions to the OMB USCIS Desk Officer via facsimile at 202–395–5806 or via email at *oira_submission@omb.eop.gov.* In addition, commenters may submit comments to DHS via mail to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020; via email to *USCISFRComment@dhs.gov;* or via the Federal e-Rulemaking Portal Web site at *http://www.Regulations.gov* under e-Docket ID number USCIS–2006–0068. When submitting

comments, please make sure to add OMB Control Number 1615–0047 in the subject box.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.Regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2020; Telephone 202–272–1470.

Dated: September 11, 2012.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2012–22700 Filed 9–13–12; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5610–N–16]

Notice of Proposed Information Collection for Public Comment; Public Housing Mortgage Program and Section 30

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of revised information collection.

SUMMARY: The revised information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

In order for HAs to be approved for a mortgage or security interest in any public housing real estate or other assets, a proposal must be submitted to HUD. After approval and execution of any legal documents associated with the loan and related construction activity, a copy of the executed documents is submitted. Quarterly reports on the progress of the loan payout and pay off as well as the construction activity will be submitted.

DATES: *Comments Due Date:* November 13, 2012.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed information collection. Comments should refer to the proposal by name/or OMB Control number and should be sent to: Colette Pollard., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4160, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email Ms. Pollard at *Colette_Pollard@hud.gov.* Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339. (Other than the HUD USER information line and TTY numbers, telephone numbers are not toll-free.)

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;(3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Public Housing Mortgage Program and Section 30.

OMB Control Number: 2577–0265.

Description of the Need for the Information and Proposed Use: Section 516 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA)(Pub. L. 105–276, October 21, 1998) added Section 30, Public Housing Mortgages and Security Interest, to the United States Housing Act of 1937 (1937 Act) (42 U.S.C. 1437z–2). Section 30 authorizes the Secretary of the Department of Housing and Urban Development (HUD) to approve a Housing Authority's (HA) request to mortgage public housing real property or grant a security interest in other tangible forms of personal property if the proceeds of the loan resulting from the mortgage or security interest are used for low-income housing uses.

Public Housing Agencies (PHAs) must provide information to HUD for approval to allow PHAs to grant a mortgage in public housing real estate or a security interest in some tangible form of personal property owned by the PHA for the purposes of securing loans or other financing for modernization or development of low-income housing. The title of the information collection has been changed to be more clearly descriptive of the range of transactions that would be reviewed under this collection for compliance with Section 30. There are several circumstances other than a mixed finance transaction that would potentially trigger this collection. For example, most recently Energy Performance Contract (EPC) transactions that provide for a security interest in energy improvements have been reviewed for approval under Section 30.

Agency Form Numbers, if Applicable: N/A.

Members of Affected Public: Business or other for-profit, State, Local Government.

Estimation of the Total Number of Hours Needed To Prepare the Information Collection Including Number of Respondents: The estimated number of annual respondents is 90 and the total annual reporting burden is 3,760 hours.

Status of the Proposed Information Collection: This is a revision of a currently approved request for collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 10, 2012.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy Program and Legislative Initiatives.

[FR Doc. 2012–22702 Filed 9–13–12; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5601–N–36]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 6, 2012.

Ann Marie Oliva,

Acting Deputy Assistant Secretary for Special Needs.

[FR Doc. 2012–22360 Filed 9–13–12; 8:45 am]

BILLING CODE 4210–67–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meetings

TIME AND DATE: September 24, 2012, 9:00 a.m.–1:30 p.m.

PLACE: 1331 Pennsylvania Ave. NW., 12th Floor North, Suite 1200, Washington, DC 20004.

STATUS: Open session except for the portion specified as closed session as provided in 22 CFR 1004.4 (f)

MATTERS TO BE CONSIDERED: ▪ Approval of the Minutes of the June 25, 2012, Meeting of the Board of Directors.

▪ Resolution Honoring Service of Kay Arnold.

▪ Management Report.

▪ FY13 Budget and Funding Perspective.

▪ Public Information about IAF Grants.

▪ Executive Session.

PORTIONS TO BE OPEN TO THE PUBLIC:

▪ Approval of the Minutes of the June 25, 2012, Meeting of the Board of Directors.

▪ Resolution Honoring Service of Kay Arnold.

▪ Management Report.

▪ FY13 Budget and Funding Perspective.

▪ Public Information about IAF Grants.

PORTIONS TO BE CLOSED TO THE PUBLIC:

▪ Executive Session—Personnel issues. Closed session as provided in 22 CFR 1004.4(f).

CONTACT PERSON FOR MORE INFORMATION: Paul Zimmerman, General Counsel, (202) 683–7118.

Paul Zimmerman,

General Counsel.

[FR Doc. 2012–22840 Filed 9–12–12; 4:15 pm]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2012–N164; 80221–1113–0000–C2]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Four Subspecies of Island Fox

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of our Draft Recovery Plan for Four Subspecies of Island Fox (*Urocyon littoralis*) under the Endangered Species Act of 1973, as amended (Act). Each of the four subspecies, San Miguel Island fox (*Urocyon littoralis littoralis*), Santa Rosa Island fox (*U. l. santarosae*), Santa Cruz Island fox (*U. l. santacruzae*), and Santa Catalina Island fox (*U. l. catalinae*), is endemic to the Channel Island off southern California for which it is named. We request review and comment on our plan from local, State, and Federal agencies, and the public. We will also accept any new information on the species' status throughout its range.

DATES: We must receive comments on or before November 13, 2012. However, we will accept information about any species at any time.

ADDRESSES: If you wish to review the draft recovery plan, you may obtain a copy by visiting our Web site at *http://www.fws.gov/endangered/species/recovery-plans.html.* Alternatively, you may contact the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003; telephone 805–644–1766. If you wish to comment on the plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address;
- *Hand-delivery:* Ventura Field Office, at the above address;
- *Fax:* (805) 644–3958; or
- *Email: fw8islandfox@fws.gov.*

If you submit comments by email, please include your name and return address in your email message.

FOR FURTHER INFORMATION CONTACT: Michael McCrary, Listing and Recovery Coordinator, at the above address, phone number, or email.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the endangered species program and the Act (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Species' History

We listed four of the six subspecies of island fox endemic to the California Channel Islands as endangered on March 5, 2004, following catastrophic population declines (69 FR 10335). The San Miguel Island fox had declined from an estimated 450 individuals to 15; the Santa Rosa Island fox had declined from over 1,750 individuals to 14; the Santa Cruz Island fox had declined from approximately 1,450 individuals to approximately 55; and the Santa Catalina Island fox had declined from over 1,300 individuals to 103. The San Clemente Island fox (*Urocyon littoralis clementae*) and the San Nicolas Island fox (*U. l. dickeyi*) were not federally listed at that time, as their population numbers had not experienced similar declines.

The *Draft Recovery Plan for Four Subspecies of Island Fox (Urocyon littoralis)* was developed by the Island Fox Recovery Team, Recovery Coordination Group. We coordinated with the California Department of Fish and Game, and a team of stakeholders, which included scientific experts, landowners and managers, agency representatives, and non-government organizations.

The two primary threats that resulted in the listing of the four subspecies of island fox as federally endangered were (1) predation by golden eagles (*Aquila chrysaetos*) (San Miguel Island fox, Santa Rosa Island fox, and Santa Cruz Island fox) and (2) disease (Santa Catalina Island fox). Additionally, because the size of each island fox population is small, they are highly vulnerable to stochastic events and the effects of low genetic diversity.

Recovery Plan Goals

The objective of an agency recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to downlist or delist the species. Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation and by estimating time and costs for implementing needed recovery measures.

To achieve its goals, this draft recovery plan identifies the following objectives:

1. Wild island fox populations exhibit demographic characteristics consistent with long-term viability; and
2. Land managers are able to respond in a timely fashion to potential and ongoing predation by golden eagles, to potential or incipient disease outbreaks, and to other identified threats.

As the species meets reclassification and recovery criteria, we review the species' status and consider the species for reclassification on or removal from the Federal List of Endangered and Threatened Wildlife and Plants.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). We will consider all information presented during the public comment period prior to approval of the recovery plan. In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public, agencies, and peer reviewers. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan. Substantive comments may or may not result in changes to the recovery plan. Comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. We invite written comments on the draft recovery plan.

Before we approve the plan, we will consider all comments we receive by the date specified in **DATES**. Methods of submitting comments are in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Tom McCabe,

Acting Regional Director, Pacific Southwest Region.

[FR Doc. 2012–22657 Filed 9–13–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–PWR–10709; 9475–5000–NZY]

Federal Register Notification of Redesignation of Potential Wilderness as Wilderness, Ross Lake National Recreation Area, North Cascades National Park Service Complex, Washington

AGENCY: National Park Service, Interior.

ACTION: Notice of Redesignation of Potential Wilderness as Wilderness.

SUMMARY: The 1988 Washington Parks Wilderness Act (Pub. L. 100–668, November 16, 1988) designated 634,614 acres of North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area as the Stephen Mather Wilderness. Due to the potential for hydroelectric development, the Act also designated an additional 5,226 acres of potential wilderness within Ross Lake National Recreation Area, including approximately 1,667 acres of land within the Lower Big Beaver Valley and 3,559-acres of the Lower Thunder Creek Valley.

Seattle City Light (SCL), a hydroelectric utility with the City of Seattle, retained rights, through Section 505 of the Act of October 2, 1968 (82 Stat. 930; 16 U.S.C. 90d–4) as amended under Title II, Section 202 of Public Law 100–668, for hydroelectric development

''* * *in the lands and waters within the Skagit River Hydroelectric Project, Federal Energy and Regulatory Commission Project 53, including the proposed Copper Creek, High Ross, and Thunder Creek elements of the project''.

In April 2008, SCL formally abandoned hydroelectric development plans for the potential wilderness area within the Lower Thunder Creek Valley after determining the proposal was not economically or environmentally feasible. Consequently there are no current, or proposed, uses of the 3,559 acres of Thunder Creek Potential Wilderness which are incompatible with wilderness designation.

Title IV, Section 2 of the Washington Parks Wilderness Act authorized the Secretary of the Interior to designate administratively as wilderness any lands designated as potential wilderness upon publication in the **Federal Register** of a notice that all uses thereon that are inconsistent with the Wilderness Act of 1964 (Pub. L. 88–577) have ceased or that non-Federal interests in land have been acquired.

Accordingly, this notice hereby converts the 3,559 acres of potential wilderness in Lower Thunder Creek Valley, within North Cascades National Park Service Complex, to designated wilderness. The 3,559 acres shall be added to the 634,614 acres of designated wilderness within the Stephen Mather Wilderness, and managed in accordance with the Wilderness Act of 1964. The 1,667 acres of land within the Lower Big Beaver Valley are not affected by this Notice.

Dated: July 25, 2012.

Jonathan B. Jarvis,

Director, National Park Service.

[FR Doc. 2012–22722 Filed 9–13–12; 8:45 am]

BILLING CODE 4312–GX–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0080]

Agency Information Collection Activities; Extension of a Currently Approved Collection: Annuity Broker Declaration Form

ACTION: 60-Day notice of information collection under review.

The Department of Justice (DOJ), Civil Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 13, 2012. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Director, Communications Office, Civil Division, U.S. Department of Justice, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Annuity Broker Qualification Declaration Form.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* U.S. Department of Justice, Civil Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals. Abstract: This declaration is to be submitted annually to determine whether a broker meets the qualifications to be listed as an annuity broker pursuant to Section 111015(b) of Public Law 107–273.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 300 respondents will complete the form annually within approximately 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual burden hours to complete the certification form is 300 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Washington, DC 20530.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–22635 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 7, 2012, a proposed consent decree in *United States* v. *Richard Barefoot and Vera Barefoot,* Civil Action No. 3:12-cv-00189, was lodged with the United States District Court for the Western District of Pennsylvania.

The proposed consent decree resolves claims that the United States filed under Section 107 of CERCLA, 42 U.S.C. 9607, for reimbursement of costs incurred and to be incurred in connection with response actions at the Barefoot Disposal Site (''Site'') in Blair County, Pennsylvania. Under the proposed consent decree, the Settling Defendants, Richard and Vera Barefoot, will reimburse the United States $15,000 for past response costs, based on an analysis of Settling Defendants' ability to pay, and limited 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 emailed 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. *Richard Barefoot and Vera Barefoot,* DOJ No. 90–11–3–09307/2.

During the public comment period, the proposed consent decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/endr/Consent_Decrees.html.* A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or emailing a request to ''Consent Decree Copy'' (*EESCDCopy.ENRD@usdoj.gov*), fax No. (202) 514–0097, phone confirmation number (202) 514–5271. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $38.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2012–22691 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Proposed Settlement Agreement Under the Park System Resource Protection Act

Notice is hereby given that the U.S. Department of Justice, on behalf of the U.S. Department of the Interior, National Park Service, has reached a settlement with Larry Floyd, Jr., on behalf of himself and the S/V COCKTAIL AND DREAMS regarding claims for response costs and damages

under the Park System Resource Protection Act, 16 U.S.C. 19jj.

The United States' claims arise from the grounding of the vessel COCKTAIL AND DREAMS in Dry Tortugas National Park on November 12, 2010. The grounding injured Park resources. Pursuant to the Agreement, the United States will recover a total of $296,000.00

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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 the Settlement Agreement between the United States and Larry Floyd, Jr., on behalf of himself and the S/V COCKTAIL AND DREAMS, DJ No. 90–5–1–1–10656.

The proposed settlement agreement may be examined at the Dry Tortugas National Park (attention Ms. Tracy A. Ziegler), at Florida Keys National Marine Sanctuary Building, 33 East Quay Road, Key West, FL 33040 and at the Department of the Interior, Office of the Solicitor, Southeast Regional Office, Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, Georgia 30303. During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement 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 emailing a request to ''Consent Decree Copy'' (*EESCDCopy.enrd@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–5271. In requesting a copy from the Consent Decree Library, please refer to the Settlement Agreement between the United States and Larry Floyd, Jr., on behalf of himself and the S/V COCKTAIL AND DREAMS (proposed Settlement Agreement, DOJ Ref. No. 90–5–1–1–10656), and enclose a check in the amount of $3.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012–22717 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—3d PDF Consortium, Inc.

Notice is hereby given that, on August 20, 2012, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), 3D Consortium, Inc. (''3D PDF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lattice Technology Inc., San Francisco, CA; 3DA Systems Inc., Victoria, British Columbia, CANADA; and DISCUS Software Company, Columbus, OH, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 3D PDF intends to file additional written notifications disclosing all changes in membership.

On March 27, 2012, 3D PDF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 20, 2012 (77 FR 23754).

The last notification was filed with the Department on June 4, 2012. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2012 (77 FR 38831).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2012–22690 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0039]

Agency Information Collection Activities: Proposed Collection, Comments Requested Extension of a Currently Approved Collection Bioterrorism Preparedness Act: Entity/Individual Information

ACTION: 30-Day notice of information collection under review.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 136, page 41801, on July16, 2012, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 15, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, National Instant Criminal Background Check System (NICS) Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more 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, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of current collection.

(2) *The title of the form/collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 4,005 (FY2011) respondents at 45 minutes for FD–961 Form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 3,004 hours, annual burden, associated with this information collection.

If additional information is required, contact Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22622 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0039]

Agency Information Collection Activities: Proposed Collection, Comments Requested; Extension of a Currently Approved Collection; Bioterrorism Preparedness Act: Entity/Individual Information

ACTION: 30-Day notice of information collection under review.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 136, page 41801, on July 16, 2012, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 15, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, National Instant Criminal Background Check System (NICS) Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more 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, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of current collection.

(2) *The title of the form/collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 4,005 (FY 2011) respondents at 45 minutes for FD–961 Form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 3,004 hours, annual burden, associated with this information collection.

If additional information is required contact Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22620 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0039]

Agency Information Collection Activities: Proposed Collection, Comments Requested Extension of a Currently Approved Collection Bioterrorism Preparedness Act: Entity/Individual Information

ACTION: 30-day Notice of information collection under review:

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 136, page 41801, on July 16, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until October 15, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, National Instant Criminal Background Check System (NICS) Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments should address one or more 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, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Extension of current collection.

(2) *The title of the form/collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There are approximately 4,005 (FY2011) respondents at 45 minutes for FD–961 Form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 3,004 hours, annual burden, associated with this information collection.

If additional information is required contact Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22613 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB No. 1121–0249]

Agency Information Collection Activities: Bureau of Justice Statistics; Agency Information Collection Activities; Proposed Collection; Extension of a Currently Approved Collection; Comment Requested; Deaths in Custody—Series of Collections From State-Level Law Enforcement Respondents, Local Jails and State Prisons

ACTION: 30-day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 116, pages 36010–36012, on June 15, 2012, allowing for a 60 day comment period. No comments were received during the 60 day period. Comments are encouraged and will be accepted for 30 days October 15, 2012. This process is in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Margaret Noonan, Statistician, (202) 353–2060, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

We request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumption used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Overview of This Information Collection

(1) *Type of information collection:* Renewal of existing collection.

(2) *The title of the Form/Collection:* Deaths in Custody Reporting Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms—Death Report on Inmates Under Jail Jurisdiction (CJ–9); Annual Summary on Inmates Under Jail Jurisdiction (CJ–9A); Death Report on Inmates In Private and Multi-Jurisdictional Jails (CJ–10); Annual Summary on Inmates in Private and Multi-Jurisdictional Jails (CJ–10A); State Prison Inmate Death Report (NPS–4A); Annual Summary of Inmate Deaths in State Prisons (NPS–4); Summary of Arrest-Related Deaths (CJ–11); Arrest-Related Death Report (CJ–11A). The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: Local jail administrators, state prison administrators, and state-level law enforcement respondents. One reporter from each of the estimated 3,000 local jail jurisdictions and one reporter from each of the 50 state prison systems in the United States are asked to provide information on the following categories:

(a) The number of inmates confined in jail facilities on December 31 of the previous year, by sex, either actual or estimated (local jails only);

(b) The number of inmates admitted to jail facilities in the previous year, by sex, either actual or estimated (local jails only);

(c) The number of inmates confined in local jails on the behalf of U.S. Immigration and Customs Enforcement, the U.S. Marshals Service or any other hold for another jurisdiction (local jails only);

(d) The average daily population of all jail confinement facilities operated by the jurisdiction in the previous year, by sex, either actual or estimated (local jails only);

(e) The number of persons who died while under the supervision of the jurisdiction in the previous year, by sex, either actual or estimated (local jails only);

(f) The number of persons who died while in custody of state correctional facility during the previous year (state prisons only);

(g) The full name, date of death, date of birth, sex, and race/ethnic origin for each inmate who died during the reporting year;

(h) Whether the deceased inmate was being held in the local jail or under the authority of the state department of correction on the behalf of U.S. Immigration and Customs Enforcement, U.S. Marshals Service, or other counties, jurisdictions or correctional authorities;

(i) The name and location of the correctional facility involved for each inmate who died during the reporting year (state prisons only);

(j) The admission date and current offense(s) for each inmate who died during the reporting year;

(k) The legal status for each inmate who died during the reporting year (local jails only);

(l) Whether the inmate ever stayed overnight in a mental health observation unit or outside mental health facility;

(m) The location and cause of death of each inmate death that took place during the reporting year;

(n) The time of day that the incident causing the inmate's death occurred and where the incident occurred (limited to accidents, suicides, and homicides only);

(o) Whether the cause of death was a preexisting medical condition or a condition that developed after admission to the facility and whether the inmate received treatment for the medical condition after admission and if so, the kind of treatment received (deaths due to accidental injury, intoxication, suicide, or homicide do not apply);

(p) Whether an autopsy/postmortem exam/review of medical records to determine the cause of death of the inmate was performed and the availability of those results;

(q) The survey ends with a box in which respondents can enter notes;

(r) Confirmation or correction of the agency and agency head's name, phone number, email address, and mailing address;

(s) Confirmation or correction of the agency's primary point of contact for data collection, title, phone number, email address, and mailing address;

(t) Confirmation or correction of the names of facilities within the jurisdiction;

A total of 52 respondents, comprising of 50 state-level respondents, representing each state, and two local-level law enforcement agencies representing the District of Columbia and New York City are asked to provide information on the number of persons who died during the process of arrest by state or local law enforcement in the reporting year. In addition, state-level law enforcement respondents are asked to provide the following information for each person who died during the process of arrest in the reporting year:

(a) The full name, date of death, date of birth, sex, and race/ethnic origin;

(b) The name and ORI number of the law enforcement agency involved;

(c) The address, and location type, of the incident that caused the death;

(d) The reason for the initial contact between law enforcement and the deceased, as well as whether specialize units responded during the incident;

(e) Whether the deceased engaged in non-compliant or aggressive behavior during the process of arrest;

(f) Whether the deceased possessed, threaten to use, or used any weapons during the process of arrest;

(g) Whether law enforcement personnel engage in tactics to restrain or used restraints or weapons during the process of arrest;

(h) Whether the deceased sustained injuries during the incident and whether law enforcement personnel, the decedent, or another civilian was responsible for inflicting injuries;

(i) The type of weapon that caused the death;

(j) The location, date, time, manner, and cause of death;

(k) Whether the autopsy or post-mortem evaluation indicated the presences of alcohol, other drugs, or confirmed psychological diagnosis;

(l) The survey ends with a box in which respondents can enter notes.

The Bureau of Justice Statistics uses this information in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in criminal justice statistics, and the general public.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An approximate 3,152 total respondents will be asked to submit an estimated 11,202 responses each year to this collection program. The typical amount of time needed for a respondent to complete each form is broken down as follows:

Local jails/death reports (forms CJ–9 and CJ–10)—600 respondents will have

an average response time of 30 minutes per form, for a total of 451 hours. Analysis of data from past years shows that approximately 80% of jails nationwide have zero deaths in a given calendar year. Thus, based on the 2010 data, approximately 20% of the 3,000 jails will complete death reports, resulting in 600 respondents. Respondents reporting zero deaths will not need to complete a death report form. Based on 2009 and 2010 data, approximately 22% of the total 4,100 death reports received was from jail respondents; thus, we expect to receive approximately 902 death reports from jails. For jurisdictions reporting a death, the average response time is estimated at 30 minutes per death, for a total of 451 hours devoted to reporting data on deaths in jails. The estimated time is based on feedback from jail staff.

Local jails/annual (forms CJ–9A and CJ–10A)—an estimated 3,000 jail respondents will have an average response time of 15 minutes per form, for a total of 750 hours. The estimated time is based on feedback from jail staff.

State prison/death reports (form NPS–A)—50 state prison respondents are estimated to have an average response time of 30 minutes per death, across 3,198 deaths each year, for a total of 1,599 hours. Based on 2009 and 2010 data, 78% of the total 4,100 death reports received was from state prisons; thus, we expect to receive approximately 3,198 death reports from state prisons. The estimated time is based on feedback from state prison staff.

State prison/annual (form NPS–4)—50 state prison respondents are estimated to have an average response time of 5 minutes per form, for a total of 4 hours. Based on 2010 data, we expect approximately 50 respondents. The estimated time is based on feedback from state prison staff.

Local jail and state prisons (verification call)—3,050 respondents (3,000 jail jurisdiction respondents and 50 state department of corrections respondents) will be asked to participate in the verification call, which has an average response time of 8 minutes per call, for a total of 407 hours (400 for jail respondents and 7 for state prison respondents). The estimated time is based on the average time to complete a verification call with a respondent.

Arrest-Related/death reports (CJ–11A)—50 state-level respondents and 2 local law enforcement agencies are estimated to have an average response time of 60 minutes per death, across 900 deaths each year, for a total of 900 hours.

Arrest-Related/summary (CJ–11)—50 state-level respondents and 2 local law enforcement agencies are estimated to have an average response time of 5 minutes per form, for a total of 4 hours. Based on 2010 data, we expect approximately 50 respondents. The estimated time is based on feedback from state-level respondents.

(6) An estimate of the total public burden (in hours) associated with the collection: 4,115 annual burden hours. The estimates contributing to this calculation are provided in the table below.

SUMMARY OF TOTAL RESPONDENT BURDEN FOR DCRP DATA COLLECTION

Reporting method	Type of data supplier	Number of data suppliers	Number of responses	Average reporting time	Total burden hours
Mail and Online Data Entry	Local Jails—Death Records [1]	600	902	30 minutes per death	451
Mail and Online Data Entry	Local Jails—Annual Summary [2]	3,000	3,000	15 minutes	750
Mail and Online Data Entry	State Prison—Death Records [3]	50	3,198	30 minutes per death	1,599
Mail and Online Data Entry	State Prison—Annual Summary [4]	50	50	5 minutes	4
Telephone	Local Jails—Verification Call	3,000	3,000	8 minutes	400
Telephone	State Prisons—Verification Call	50	50	8 minutes	7
Mail, Email, and Fax	Arrest-Related Death Record [5]	52	900	60 minutes per death	900
Mail, Email, and Fax	Arrest-Related Death Summary [6]	52	52	5 minutes	4
Total		3,102	11,152		4,115

[1] The forms associated with local jail death records are forms CJ–9 and CJ–10.
[2] The forms associated with local jail annual summaries are forms CJ–9A and CJ–10A.
[3] The form associated with the state prison death records is form NPS–4A.
[4] The form associated with the state prison annual summary form is form NPS–4.
[5] The form associated with arrest-related death records is form CJ–11A
[6] The form associated with arrest-related death summary is form CJ–11

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 2E–50, Washington, DC 20530.

Dated: September 11, 2012.

Jerri Murray,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2012–22685 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–NEW]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for Cognitive, Pilot and Field Studies for Bureau of Justice Statistics Data Collection Activities

ACTION: 60-day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) intends to request approval from the Office of Management and Budget (OMB) for a generic information collection clearance that will allow BJS to conduct a variety of cognitive, pilot, and field test studies. BJS will submit the request for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed notice of information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 13, 2012. This process is in accordance with 5 CFR 1320.10.

Over the next three years, BJS anticipates undertaking a variety of new surveys and data collections, as well as reassessing ongoing statistical projects, across a number of areas of criminal

justice, including law enforcement, courts, corrections, and victimization. This work will entail development of new survey instruments, redesigning and/or modifying existing surveys, procuring administrative data from state and local government entities, and creating or modifying establishment surveys. In order to inform BJS data collection protocols, to develop accurate estimates of respondent burden, and to minimize respondent burden associated with each new or modified data collection, BJS will engage in cognitive, pilot and field test activities to refine instrumentation and data collection methodologies. BJS envisions using a variety of techniques, including but not limited to tests of different types of survey and data collection operations, focus groups, cognitive testing, pilot testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.

Following standard Office of Management and Budget (OMB) requirements, BJS will submit a change request to OMB individually for every group of data collection activities undertaken under this generic clearance. BJS will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project. Currently, BJS anticipates the need to conduct testing and development work on at least ten (10) statistical projects, including the collection of administrative data from courts, law enforcement agencies, state criminal history repositories, social and victim services agencies, and local jails, a self-report survey of prison inmates, and establishment surveys of law enforcement agencies and corrections departments.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Bureau of Justice Statistics is soliciting public comment on the information collection described above. If you have comments—especially on the estimated public burden—suggestions, or need additional information about the proposed information collection, please contact Erica Smith, Statistician, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are requested on:

- 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;
- 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;
- The quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
- Overview of this information collection:

(1) *Type of information collection:* New collection.

(2) *Title of the Form/Collection:* BJS Generic Clearance for Cognitive, Pilot, and Field Test Studies.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* Form numbers not available for generic clearance, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Administrators or staff of state and local agencies or programs in the relevant fields; administrators or staff of non-government agencies or programs in the relevant fields; individuals; policymakers at various levels of government.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Specific estimates of the number of respondents and the average response time are not known for development work covered under a generic clearance. Estimates of overall burden for the ten (10) identified projects referenced above, as well as for other data collection projects that may benefit from development work under this clearance, are included in item 6 below.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 12,340 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22623 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–NEW]

Agency Information Collection Activities: Proposed Collection; Comment Request, Generic Clearance for Cognitive, Pilot and Field Studies for Bureau of Justice Statistics Data Collection Activities

ACTION: 60-Day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) intends to request approval from the Office of Management and Budget (OMB) for a generic information collection clearance that will allow BJS to conduct a variety of cognitive, pilot, and field test studies. BJS will submit the request for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed notice of information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 13, 2012. This process is in accordance with 5 CFR 1320.10.

Over the next three years, BJS anticipates undertaking a variety of new surveys and data collections, as well as reassessing ongoing statistical projects, across a number of areas of criminal justice, including law enforcement, courts, corrections, and victimization. This work will entail development of new survey instruments, redesigning and/or modifying existing surveys, procuring administrative data from state and local government entities, and creating or modifying establishment surveys. In order to inform BJS data collection protocols, to develop accurate estimates of respondent burden, and to minimize respondent burden associated with each new or modified data collection, BJS will engage in cognitive, pilot and field test activities to refine instrumentation and data collection methodologies. BJS envisions using a variety of techniques, including but not limited to tests of different types of survey and data collection operations, focus groups, cognitive testing, pilot testing, exploratory interviews, experiments with questionnaire design,

and usability testing of electronic data collection instruments.

Following standard Office of Management and Budget (OMB) requirements, BJS will submit a change request to OMB individually for every group of data collection activities undertaken under this generic clearance. BJS will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project. Currently, BJS anticipates the need to conduct testing and development work on at least ten (10) statistical projects, including the collection of administrative data from courts, law enforcement agencies, state criminal history repositories, social and victim services agencies, and local jails, a self-report survey of prison inmates, and establishment surveys of law enforcement agencies and corrections departments.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Bureau of Justice Statistics is soliciting public comment on the information collection described above. If you have comments—especially on the estimated public burden—suggestions, or need additional information about the proposed information collection, please contact Erica Smith, Statistician, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are requested on:

- 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;
- 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;
- The quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.
- Overview of this information collection:

(1) *Type of information collection:* New collection.

(2) *Title of the Form/Collection:* BJS Generic Clearance for Cognitive, Pilot, and Field Test Studies.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* Form numbers not available for generic clearance, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Administrators or staff of state and local agencies or programs in the relevant fields; administrators or staff of non-government agencies or programs in the relevant fields; individuals; policymakers at various levels of government.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Specific estimates of the number of respondents and the average response time are not known for development work covered under a generic clearance. Estimates of overall burden for the ten (10) identified projects referenced above, as well as for other data collection projects that may benefit from development work under this clearance, are included in item 6 below.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 12,340 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22621 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–NEW]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for Cognitive, Pilot and Field Studies for Bureau of Justice Statistics Data Collection Activities

ACTION: 60-day notice of information collection under review.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) intends to request approval from the Office of Management and Budget (OMB) for a generic information collection clearance that will allow BJS to conduct a variety of cognitive, pilot, and field test studies. BJS will submit the request for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed notice of information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until November 13, 2012. This process is in accordance with 5 CFR 1320.10.

Over the next three years, BJS anticipates undertaking a variety of new surveys and data collections, as well as reassessing ongoing statistical projects, across a number of areas of criminal justice, including law enforcement, courts, corrections, and victimization. This work will entail development of new survey instruments, redesigning and/or modifying existing surveys, procuring administrative data from state and local government entities, and creating or modifying establishment surveys. In order to inform BJS data collection protocols, to develop accurate estimates of respondent burden, and to minimize respondent burden associated with each new or modified data collection, BJS will engage in cognitive, pilot and field test activities to refine instrumentation and data collection methodologies. BJS envisions using a variety of techniques, including but not limited to tests of different types of survey and data collection operations, focus groups, cognitive testing, pilot testing, exploratory interviews, experiments with questionnaire design, and usability testing of electronic data collection instruments.

Following standard Office of Management and Budget (OMB) requirements, BJS will submit a change request to OMB individually for every group of data collection activities undertaken under this generic clearance. BJS will provide OMB with a copy of the individual instruments or questionnaires (if one is used), as well as other materials describing the project. Currently, BJS anticipates the need to conduct testing and development work on at least ten (10) statistical projects, including the collection of administrative data from courts, law enforcement agencies, state criminal history repositories, social and victim services agencies, and local jails, a self-report survey of prison inmates, and establishment surveys of law

enforcement agencies and corrections departments.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Bureau of Justice Statistics is soliciting public comment on the information collection described above. If you have comments—especially on the estimated public burden— suggestions, or need additional information about the proposed information collection, please contact Erica Smith, Statistician, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are requested on:

- 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;
- 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;
- The quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.
- Overview of this information collection:

(1) *Type of information collection:* New collection.

(2) *Title of the Form/Collection:* BJS Generic Clearance for Cognitive, Pilot, and Field Test Studies.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* Form numbers not available for generic clearance, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Administrators or staff of state and local agencies or programs in the relevant fields; administrators or staff of non-government agencies or programs in the relevant fields; individuals; and policymakers at various levels of government.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Specific estimates of the number of respondents and the average response time are not known for development work covered under a generic clearance. Estimates of overall burden for the ten (10) identified projects referenced above, as well as for other data collection projects that may benefit from development work under this clearance, are included in item 6 below.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden for identified and future projects covered under this generic clearance over the 3-year clearance period is approximately 12,340 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 2E–508, Washington, DC 20530.

Dated: September 10, 2012.

Jerri Murray,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. 2012–22614 Filed 9–13–12; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; YouthBuild Impact Evaluation, Youth Follow-Up Surveys

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''YouthBuild Impact Evaluation, Youth Follow-Up Surveys,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before October 15, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov*.

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: YouthBuild is a youth and community development program addressing several core issues facing low-income communities: Available housing, youth education, employment, and criminal behavior. The program primarily serves high school dropouts and focuses on helping them attain a high school diploma or general educational development and teaching them construction skills geared toward career placement. The YouthBuild Impact Evaluation will measure core program outcomes including educational attainment, postsecondary planning, employment, earnings, delinquency and involvement with the criminal justice system, and social and emotional development. The evaluation represents an important opportunity for the DOL to add to the growing body of knowledge about the impacts of so-called second chance programs for youth who have dropped out of high school. Data for the study is being collected from YouthBuild grantees and from study participants through several information collections. In this ICR, the ETA seeks OMB approval for three follow-up surveys with youth who were randomly assigned in the 83 sites to either a treatment group or control group during earlier aspects of this ongoing experimental evaluation. The surveys will be fielded 12, 30, and 48 months after random assignment.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not

display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on May 15, 2012 (77 FR 28623).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201208–1205–007. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: YouthBuild Impact Evaluation, Youth Follow-Up Surveys.

OMB ICR Reference Number: 201208–1205–07.

Affected Public: Individuals or households.

Total Estimated Number of Respondents: 2,772.

Total Estimated Number of Responses: 2,772.

Total Estimated Annual Burden Hours: 1,848.

Total Estimated Annual Other Costs Burden: $0.

Dated: September 10, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–22630 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Authorization for Release of Medical Information for Black Lung Benefits

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Authorization for Release of Medical Information for Black Lung Benefits,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

DATES: Submit comments on or before October 15, 2012.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Act as Amended, 30 U.S.C. 901 *et seq.,* and regulations 20 CFR 725.405 require that all relevant medical evidence be considered before a decision can be made regarding a claimant's eligibility for black lung benefits; consequently, a person who files such a claim may submit medical information to the OWCP, Division of Coal Mine Workers' Compensation to help develop the claim. Form CM–936 gives the claimant's consent for the release of that medical information by any physician, hospital, agency, or other organization to the OWCP.

This information collection is subject to the PRA. This ICR has been characterized as a revision, because the OWCP has reformatted elements of Form CM–936 (e.g., replaced an obsolete logo with the DOL Seal, updated the OMB Control Number, added a notice on rights for persons with disabilities, and removed references to the no longer existent Employment Standards Administration).

A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0034. The current approval is scheduled to expire on November 30, 2012; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on May 31, 2012 (77 FR 32140).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0034. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Authorization for Release of Medical Information for Black Lung Benefits.

OMB Control Number: 1240–0034.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 900.

Total Estimated Number of Responses: 900.

Total Estimated Annual Burden Hours: 75.

Total Estimated Annual Other Costs Burden: $0.

Dated: September 6, 2012.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2012–22631 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,940]

New Process Gear, a Division of Magna Powertrain, Including On-Site Leased Workers From ABM Janitorial Service Northeast, Inc., and IS One, Inc., East Syracuse, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 7, 2011, applicable to workers of New Process Gear, a division of Magna Powertrain, East Syracuse, New York, The workers produce automotive components. The notice was published in the **Federal Register** on January 26, 2011 (75 FR 77669). The notice was amended on June 21, 2012 to include on-site leased workers from ABM Janitorial Service Northeast, Inc. The amended notice was published in the **Federal Register** on July 16, 2012 (77FR 41807).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The company reports that workers leased from IS One, Inc. were employed on-site at the East Syracuse, New York location of New Process Gear, a division of Magna Powertrain. The Department has determined that these workers were sufficiently under the control of New Process Gear, a division of Magna Powertrain to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from IS One, Inc. working on-site at the East Syracuse, New York location of New Process Gear, a division of Magna Powertrain.

The amended notice applicable to TA–W–74,940 is hereby issued as follows:

All workers of New Process Gear, a division of Magna Powertrain, including on-site leased workers from ABM Janitorial Service Northeast, Inc., and IS One, Inc., East Syracuse, New York, who became totally or partially separated from employment on or after December 17, 2010, through January 7, 2013, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 31st day of August 2012.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–22650 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Continuation of Certification

[TA–W–80,308]

Roseburg Forest Products, Composite Panel Division, Including On-Site Leased Workers of Robert Half, Orangeburg, SC

[TA–W–80,308A]

Roseburg Forest Products, Composite Panel Division, Including On-Site Leased Workers of Robert Half, Russellville, SC

On August 12, 2011, the Department of Labor (Department) issued a certification regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina (TA–W–80,308) and Russellville, South Carolina (TA–W–80,308A). The Department's Notice of determination was published in the **Federal Register** on September 2, 2011 (76 FR 54796).

The certification was based on the Department's findings that aggregate industry imports of articles like or directly competitive with the articles produced by Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina and Russellville, South Carolina had contributed importantly to subject worker group separations.

Subsequent to the issuance of the certification, the Department received information that suggested that the aggregate industry import data on which the certification determination relied may have included related articles that may not be either like or directly competitive with either particleboard or laminated wood panels.

On July 17, 2012, the Department issued a Notice of Investigation Regarding Termination of Certification of workers and former workers of Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina and Russellville, South Carolina. The Department's Notice of Investigation Regarding Termination of Certification was published in the **Federal Register** on July 30, 2012 (77 FR 44683), and the Department conducted what is referred to herein as the ''immediate investigation.''

During the immediate investigation, Roseburg Forest Products (subject firm) confirmed that the subject facilities produced particleboard and/or laminated wood panels, and provided additional information regarding the subject facilities' operations related to particleboard and/or laminated wood panel production and their respective relationships to the subject firm's customers of particleboard and/or laminated wood panels.

Taking into consideration the new information provided by the subject firm, the Department reviewed previously-submitted aggregate industry import data and the previously-conducted aggregate import analysis. The Department then excluded import data unrelated to particleboard and/or laminated wood panels (and like or directly competitive articles) and conducted another aggregate industry import analysis for the same time period but using the revised aggregate import database.

The Department's analysis of this database revealed that the import levels of the subject articles and like or directly competitive articles did not increase during the relevant period. Therefore, aggregate data did not provide a basis for certifying the subject worker groups under Section 222 of the Act, 19 U.S.C., 2272, as described in the determination issued on August 12, 2011.

After determining that the basis for certification as described in the determination was not valid, the Department continued the immediate

investigation to determine whether conditions during the relevant time period nevertheless supported the ultimate conclusion of the determination that the workers and former workers of Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina and Russellville, South Carolina met the eligibility criteria set forth in the Trade Act of 1974, as amended (the Act).

The Department obtained new information regarding the subject firm's major declining customers of particleboard and/or laminated wood panels and related import data of particleboard and/or laminated wood panels (and like or directly competitive articles) by the subject firm's customers.

Using the new customer information and previously-submitted information from the subject firm regarding particleboard and/or laminated wood panels sales and production at Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina and Russellville, South Carolina, the Department conducted another import analysis for the relevant time period.

The immediate investigation revealed increased imports (direct and indirect imports) of particleboard wood panels by major declining customer(s) of the subject firm during 2010 from 2009 levels and during partial year 2011 from the corresponding 2010 period (the relevant period).

Based on a careful analysis of all information provided in the immediate and earlier investigations, the Department determines that increased customer imports of articles like or directly competitive with the particleboard and/or laminated wood panels produced at the subject facilities contributed importantly to worker group separations at Roseburg Forest Products, Composite Panel Division, Orangeburg, South Carolina and Russellville, South Carolina.

Conclusion

After careful review of the facts obtained in the initial investigation of the petition referenced as TA–W–80,308 and TA–W–80,308A and the immediate investigation, I determine, in accordance with Section 223 of the Act, 19 U.S.C. 2273, that the certification of workers and former workers of Roseburg Forest Products, Composite Panel Division, including on-site leased workers of Robert Half, Orangeburg, South Carolina (TA–W–80,308) and Roseburg Forest Products, Composite Panel Division, including on-site leased workers of Robert Half, Russellville, South Carolina (TA–W–80,308A), issued on August 12, 2011 and published in the **Federal Register** on September 2, 2011 (76 FR 54796) should not be terminated. As described in the certification, I conclude that these workers, who are/were engaged in activities related to production of particleboard and/or laminated wood panels, have met the worker group certification criteria under 222(a) of the Act, 19 U.S.C. 2272(a).

Signed in Washington, DC, this 31st day of August, 2012

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–22649 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of August 27, 2012 through August 31, 2012.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) The acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) A significant number or proportion of the workers in the workers' firm have

become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) Either-

(A) The workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) An affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) An affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) An affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) The petition is filed during the 1-year period beginning on the date on which—

(A) A summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) Notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) The workers have become totally or partially separated from the workers' firm within—

(A) The 1-year period described in paragraph (2); or

(B) Notwithstanding section 223(b)(1), the 1- year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,801	Schott Solar CSP, Inc., Schott Solar AG, Manpower Professional	Albuquerque, NM	July 12, 2011.
81,801A	Schott Solar PV, Inc., Schott Solar AG, Manpower Professional	Albuquerque, NM	July 12, 2011.
81,801B	Schott Solar PV, Inc., Schott Solar AG, Remote Workers Reporting to Santa Clara, California.	Santa Clara, CA	July 12, 2011.
81,818	Mi-Lin Wood Products	Paoli, IN	July 20, 2011.
81,849	Astar USA, LLC, Including Leased Workers from Avsource and Sogetti	Florence, KY	July 31, 2011.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,842	MEMC Electronic Materials, Inc., Southwest	Sherman, TX	July 30, 2012.
81,852	Microsemi Corporation, Excluding Testing Services, Incl. Leased Workers from Clearpath, Encore, etc.	Lawrence, MA	August 1, 2011.
81,852A	Microsemi Corporation, Testing Services Division	Lawrence, MA	July 27, 2012.
81,882	Sabritec, Smiths Group, Mattson Resources and Kimco Financial	Irvine, CA	August 9, 2011.
81,882A	Robert Half and Advantek, Working On-Site at Sabritec	Irvine, CA	August 9, 2011.

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
81,821	Bonnell Manufacturing, Tredegar Corporation, Formely d/b/a Bon L Manufacturing, Olsten Staffing.	Kentland, IN	May 20, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criterion under paragraph (a)(1), or (b)(1), or (c)(1)(employment decline or threat of separation) of section 222 has not been met.

TA–W No.	Subject firm	Location	Impact date
81,873	Legacy Custom Plastics, LLC, A–1 Temps	St. Petersburg, FL.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,824	Miasa Automotive, LLC	Yorktown, IN.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,696	AFNI, Inc.	Peoria, IL.	
81,800	Raytheon, Space and Airborne Systems, Operations, California Manufacturing, etc.	El Segundo, CA.	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

TA–W No.	Subject firm	Location	Impact date
81,915	SuperValu, Inc., Boise Store Support Center, IT Department	Boise, ID.	

I hereby certify that the aforementioned determinations were issued during the period of August 27, 2012 through August 31, 2012. These determinations are available on the Department's Web site tradeact/taa/taa search form.cfm under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: September 5, 2012.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2012–22651 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 2012.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 2012.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 5th day of September 2012.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX—14 TAA PETITIONS INSTITUTED BETWEEN 8/27/12 AND 8/31/12

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
81920	Kronotex USA (State/One-Stop)	Barnwell, SC	08/27/12	08/24/12
81921	Schneider Electric (Company)	Cedar Rapids, IA	08/27/12	08/24/12
81922	Cincinnati Bell Telephone (Union)	Cincinnati, OH	08/27/12	08/21/12
81923	General Electric Ohio Lamp Plant (Union)	Warren, OH	08/27/12	08/24/12
81924	Intermec Technologies (Company)	Everett, WA	08/27/12	08/24/12
81925	Oracle America (Workers)	Redwood Shores, CA	08/28/12	08/27/12
81926	Hewlett Packard (formerly known as EDS), Enterprise Business Services, (State/One-Stop).	Pontiac, MI	08/28/12	08/28/12
81927	INTERNATIONAL BUSINESS MACHINES (Workers)	Poughkeepsie, NY	08/29/12	08/21/12
81928	QEP Company, Inc. (State/One-Stop)	Boca Raton, FL	08/29/12	08/28/12
81929	Joy Global—Franklin Manufacturing Operations (Company)	Franklin, PA	08/29/12	08/25/12
81930	Hydro North America (Union)	Monett, MO	08/30/12	08/29/12
81931	Lamico, Inc. (Lamico Mobility Products, LLC) (Workers)	Oshkosh, WI	08/31/12	08/23/12
81932	The Evercare Company, dba OneCARE (Company)	Alpharetta, GA	08/31/12	08/23/12
81933	Parker Hannifin—Spartan Division (Workers)	New Haven, IN	08/31/12	08/30/12

[FR Doc. 2012–22652 Filed 9–13–12; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Notice

DATE AND TIME: The Operations & Regulations Committee of the Legal Services Corporation's Board of Directors will meet on September 20, 2012. The meeting will commence at 3:00 p.m., Eastern Daylight Time, and will continue until the conclusion of the Committee's agenda.

LOCATION: F. William McCalpin Conference Center, Legal Services Corporation Headquarters, 3333 K Street NW., Washington DC, 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below but are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold. From time to time, the presiding Chair may solicit comments from the public.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately ''MUTE'' your telephone.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of minutes of the Committee's meeting of July 27, 2012.
3. Briefing on Further Notice of Proposed Rulemaking on termination procedures, enforcement, and suspension procedures.
   - Staff Report by Mark Freedman, Senior Assistant General Counsel.
   - Public Comment on the Further Notice of Proposed Rulemaking.
4. Public comment.
5. Consider and act on other business.
6. Consider and act on motion to adjourn the meeting.

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

NON-CONFIDENTIAL MEETING MATERIALS: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC Web site, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

ACCESSIBILITY: LSC complies with the American's with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: September 11, 2012.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. 2012–22773 Filed 9–12–12; 11:15 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2011–10]

Extension of Comment Period: Remedies for Small Copyright Claims: Additional Comments

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

SUMMARY: The Copyright Office is extending the period of public comment in response to its August 23, 2012 Notice of Inquiry requesting additional comments regarding issues relating to remedies for small copyright claims.

DATES: Comments are due October 19, 2012.

ADDRESSES: All comments and reply comments shall be submitted electronically. A comment page containing a comment form is posted on the Office Web site at *http://www.copyright.gov/docs/smallclaims.* The Web site interface requires commenting parties to complete a form specifying name and organization, as applicable, and to upload comments as an attachment via a browser button. To meet accessibility standards, commenting parties must upload comments in a single file not to exceed six megabytes (MB) in one of the following formats: The Adobe Portable Document File (PDF) format that contains searchable, accessible text (not an image); Microsoft Word;

WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The form and face of the comments must include both the name of the submitter and organization. The Office will post the comments publicly on the Office's Web site exactly as they are received, along with names and organizations. If electronic submission of comments is not feasible, please contact the Office at 202–707–8350 for special instructions.

FOR FURTHER INFORMATION CONTACT: Jacqueline Charlesworth, Senior Counsel, Office of the Register, by email at *jcharlesworth@loc.gov* or by telephone at 202–707–8350; or Catherine Rowland, Senior Counsel, Office of Policy and International Affairs, by email at *crowland@loc.gov* or by telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION: On August 23, 2012, the Copyright Office published a Notice of Inquiry inviting additional public comments on remedies for small copyright claims. Due to the number and complexity of the issues raised in that Notice, it appears that some stakeholders may need additional time to respond. In order to facilitate full and adequate public comment, the Office hereby extends the time for filing additional comments to October 19, 2012.

Dated: September 11, 2012.

Maria A. Pallante,

Register of Copyrights.

[FR Doc. 2012–22712 Filed 9–13–12; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that two meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 as follows (ending times are approximate):

Design (application review): This meeting will be closed.

Dates: October 1, 2012. 3 p.m. to 4 p.m. EDT.

Local Arts Agencies (application review): This meeting will be closed.

Dates: October 1, 2012. 2 p.m. to 3 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: September 11, 2012.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2012–22705 Filed 9–13–12; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that 15 meetings of the Humanities Panel will be held during October 2012 as follows. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended).

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: The meetings will be held at the Old Post Office Building, 1100 Pennsylvania Ave. NW., Washington, DC 20506. See **SUPPLEMENTARY INFORMATION** section for meeting room numbers.

FOR FURTHER INFORMATION CONTACT: Lisette Voyatzis, Committee Management Officer, 1100 Pennsylvania Ave. NW., Room 529, Washington, DC 20506, or call (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the National Endowment for the Humanities' TDD terminal at (202) 606–8282.

SUPPLEMENTARY INFORMATION:

Meetings

1. *Date:* October 04, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of U.S. History and Culture, submitted to the Division of Preservation and Access.

2. *Date:* October 10, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of World Studies, submitted to the Division of Preservation and Access.

3. *Date:* October 11, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of Archaeology and Anthropology, submitted to the Division of Preservation and Access.

4. *Date:* October 12, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of World Studies, submitted to the Division of Preservation and Access.

5. *Date:* October 15, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 421.
This meeting will discuss applications for the America's Media Makers Production grant program on the subject of U.S. History, submitted to the Division of Public Programs.

6. *Date:* October 16, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of American Studies, submitted to the Division of Preservation and Access.

7. *Date:* October 16, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 421.
This meeting will discuss applications for the America's Historical & Cultural Organizations Implementation grant program on the subject of U.S. History, submitted to the Division of Public Programs.

8. *Date:* October 18, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.

This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of Art History, submitted to the Division of Preservation and Access.

9. *Date:* October 18, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: Room 421.
This meeting will discuss applications for the America's Media Makers Production grant program on the subject of U.S. History, submitted to the Division of Public Programs.

10. *Date:* October 22, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: Room 421.
This meeting will discuss applications for the America's Historical & Cultural Organizations Implementation grant program on the subject of Nature and Culture, submitted to the Division of Public Programs.

11. *Date:* October 24, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 421.
This meeting will discuss applications for the America's Historical & Cultural Organizations Implementation grant program on the subject of U.S. History, submitted to the Division of Public Programs.

12. *Date:* October 25, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: Room 421.
This meeting will discuss applications for the America's Media Makers Production grant program on the subject of World History and Culture, submitted to the Division of Public Programs.

13. *Date:* October 29, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: Room 421.
This meeting will discuss applications for the America's Historical & Cultural Organizations Implementation grant program on the subject of Art History, submitted to the Division of Public Programs.

14. *Date:* October 30, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
This meeting will discuss applications for the Humanities Collections and Reference Resources grant program on the subject of Literature, submitted to the Division of Preservation and Access.

15. *Date:* October 30, 2012.
Time: 8:30 a.m. to 5 p.m.
Room: Room 421.
This meeting will discuss applications for the America's Media Makers Production grant program on the subject of African American History and Culture, submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5 U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated July 19, 1993.

Dated: September 11, 2012.

Lisette Voyatzis,

Committee Management Officer.

[FR Doc. 2012–22697 Filed 9–13–12; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On August 6, 2012, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on September 10, 2012 to: Michael J. Polito, Permit No. 2013–017.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2012–22715 Filed 9–13–12; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; Comment Request: Office of Inspector General Review of Awardee Implementation of NSF's Requirement for a Responsible Conduct of Research Program

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) Office of Inspector General (OIG) is announcing plans to establish this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by November 13, 2012 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22030, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Office of Inspector General Review of Awardee Implementation of NSF's Requirement for a Responsible Conduct of Research Program.

OMB Approval Number: 3145–NEW.

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to establish an information collection.

Abstract: The National Science Foundation Office of Inspector General (NSF OIG) requests establishment of data collection to assess awardee institutions' plans to provide adequate

training in the responsible conduct of research to undergraduate students, graduate students, and postdoctoral researchers who are supported by NSF.

Section 7009 of the America COMPETES Act (codified at 42 U.S.C. 1862o–1) requires NSF to ensure that ''each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research * * *.'' NSF's implementation of this requirement is described in the NSF Proposal and Award Policies and Procedures Guide, Part II—Award and Administration Guide, Chapter IV, Part B and is available at *nsf.gov/pubs/policydocs/pappguide/nsf11001/aag_4.jsp#IVB.*

The Office of Inspector General provides independent oversight of NSF's programs and operations. NSF OIG is responsible for promoting efficiency and effectiveness in agency programs and for preventing and detecting fraud, waste, and abuse. NSF OIG supports NSF in its mission by safeguarding the integrity of NSF programs and operations through audits, investigations, and other reviews.

This information collection is necessary for review of institutional compliance with the responsible conduct of research requirements. NSF OIG will primarily use the data collected to inform the Foundation and Congress whether current responsible conduct of research programs comply with NSF's requirement and to make recommendations to strengthen these programs if necessary. The results of the information collection also will assist NSF OIG in developing a responsible conduct of research oversight plan.

The scope of this information request will primarily address how awardees have implemented NSF's requirement by interviewing three groups of people: (1) Upper-level administrators (e.g., Vice Presidents or Vice Provosts), program administrators (e.g., Research Integrity Officers or Compliance Officers), and trainees who have participated in the program (undergraduate students, graduate students and postdoctoral researchers). From the upper-level administrators, we will request information that will allow us to assess the institution's commitment to the program, including resources (both financial and staff), and how the expectations for the program are communicated to faculty and students. We will request from the program administrators specific information such as course structure and content, participation requirements and options, compliance tracking, faculty participation, resource allocation, and oversight. From the course participants, we will request information about their experiences in the courses with regard to format, duration, content, and the benefits and drawbacks of taking an RCR course. The information collection will be conducted through video-conferencing between NSF OIG and the institutions' participants.

Use of the Information: This information is required for NSF OIG's effective oversight of NSF programs and operations by reviewing institutions' compliance with the responsible conduct of research requirements of the America COMPETES Act and NSF's Proposal and Award Policies and Procedures Guide.

This collection primarily will be used for accountability and evaluation purposes, and to inform Congress and NSF on the outcome of the information collection.

Respondents: Institutions that receive funding from NSF and are required to provide adequate training on the responsible conduct of research.

Number of Respondents: NSF OIG anticipates collecting information from a minimum of 20 institutions per year and a maximum of 100 institutions. Participants at each institution will include at least one senior level administrator, one representative from the responsible conduct of research program, and a group of students with at least one undergraduate student, one graduate student, and one postdoctoral researcher. The information collection will involve between 100 and 500 respondents per year.

Burden on the Public: NSF OIG estimates that the time required for information collection from each senior level administrator will be approximately 30 minutes, from each representative from the responsible conduct of research program approximately 1.5 hours, and from students and postdocs approximately 1 hour each.

At a minimum, each institution will require 4 hours to complete the information collection. The minimum total time burden for 20 institutions per year is 80 hours and 400 hours per year for 100 universities.

Dated: September 11, 2012.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2012–22686 Filed 9–13–12; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0213]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC or the Commission) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 23 to September 5, 2012. The last biweekly notice was published on September 4, 2012 (77 FR 53923).

ADDRESSES: You may access information and comment submissions related to this document, which the NRC possesses and are publicly available, by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0213. You may submit comments by any of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0213. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0213 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0213.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* Documents may be viewed in ADAMS by performing a search on the document date and docket number.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0213 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include

sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in the NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is

available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit 3, Westchester County, New York

Date of amendment request: May 23, 2012, as supplemented by letter dated August 3, 2012.

Description of amendment request: The proposed amendment will revise Technical Specification 3.7.4, ''Atmospheric Dump Valves (ADVs),'' limiting condition for operation (LCO) to require four rather than three ADVs to be operable. The licensee states that the current LCO is non-conservative and is being addressed in accordance with Administrative Letter 98–10.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The current LCO requires three atmospheric dump valves to be operable. The proposed change would be an administrative change to require that all four atmospheric dump valves be operable during the applicable operating modes.

Operating experience has demonstrated that ADVs are significant to public health and safety. ADVs are not the initiators of any accident because a failed open ADV can be isolated with a block valve. ADVs are available to cool the unit to residual heat removal entry conditions should the preferred heat sink via the steam bypass system to the condenser not be available. ADVs are also available to limit the releases during a steam generator tube rupture accident.

Therefore the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

There are no changes to design, no changes to operating procedures and the revised LCO is consistent with the normal operating condition. Also, the ADVs are not the initiators of any accident because a failed open ADV can be isolated with a block valve.

Therefore the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature. Revising the LCO to require all four ADVs to be operable during the applicable operating modes adds conservatism to the technical specifications and does not reduce any margin of safety.

Therefore the proposed change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: George Wilson.

Northern States Power Company—Minnesota, Docket No. 50–306, Prairie Island Nuclear Generating Plant, Unit 2, Goodhue County, Minnesota

Date of amendment request: July 25, 2012.

Description of amendment request: The proposed amendment would revise Appendix A of the Operating License to except Prairie Island Nuclear Generating Plant, Unit 2 from the requirements of Regulatory Guide 1.163, as specified in Technical Specification 5.5.14, ''Containment Leakage Rate Testing Program,'' for post-modification containment leak rate testing associated with steam generator replacement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would provide the Prairie Island Nuclear Generating Plant an exception from performing a containment integrated leak rate test following the replacement of the steam generators in Unit 2.

Integrated leak rate tests are performed to assure the leak-tightness of the primary containment boundary system, and as such they are not accident initiators. Therefore, not performing an integrated leak rate test will not affect the probability of an accident previously evaluated.

The intent of post-modification integrated leak rate testing requirements is to assure the leak-tight integrity of the area affected by the modification. For the Unit 2 steam generator replacement modification, this intent will be satisfied by performing the inspections and tests required by the American Society of Mechanical Engineers (ASME) Code. Because the leak-tightness integrity of the primary containment boundary affected by the steam generator replacement will be assured, there is no change in the primary containment boundary's ability to confine radioactive materials during an accident.

Therefore, adding a Technical Specification statement that provides an exception for Unit 2 from the steam generator replacement post-modification integrated leak rate testing requirements does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of

accident from any accident previously evaluated?

Response: No.

The proposed change would provide the Prairie Island Nuclear Generating Plant an exception from performing a required containment integrated leak rate test following the replacement of the steam generators in Unit 2.

Providing an exception from performing a test does not involve a physical change to the plant nor does it change the operation of the plant. Thus, it cannot introduce a new failure mode. Therefore, adding a Technical Specification statement that provides an exception for Unit 2 from the steam generator replacement post-modification integrated leak rate testing requirements does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change would provide the Prairie Island Nuclear Generating Plant an exception from performing a required containment integrated leak rate test following the replacement of the steam generators in Unit 2.

The intent of post-modification integrated leak rate testing requirements is to assure the leak-tight integrity of the area affected by the modification. This intent will be satisfied by performing inspections and tests required by the ASME Code. The acceptance criterion for ASME Code system pressure testing for the base metal and welds is no leakage. In addition, the test pressure for the hydrostatic tests and the inservice system pressure test will be several times that required during an integrated leak rate test. Because the leak-tight integrity of the primary containment boundary affected by the steam generator replacement will be assured, there is no change in the primary containment boundary's ability to confine radioactive materials during an accident. Therefore, adding a Technical Specification statement that provides an exception for Unit 2 from the steam generator replacement post modification integrated leak rate testing requirements does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Acting Branch Chief: Istvan Frankl.

Northern States Power Company—Minnesota, Docket Nos.: 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: July 25, 2012.

Description of amendment request: The proposed amendments would revise Technical Specifications (TS) 3.4.19—''Steam Generator (SG) Tube Integrity,'' 5.5.8—''Steam Generator (SG) Program,'' and 5.6.7—''Steam Generator Tube Inspection Report'' to apply the appropriate program attributes to the Unit 2 replacement steam generators that are planned for installation in fall 2013. The proposed amendment would also revise the same TS described above to adopt for Unit 1 and Unit 2 the program improvements in Technical Specifications Task Force Traveler (TSTF) 510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes associated with Technical Specification Task Force Traveler (TSTF) 510 revise the Steam Generator (SG) Program to modify the frequency of verification of SG tube integrity and SG tube sample selection. A steam generator tube rupture (SGTR) event is one of the design basis accidents that are analyzed as part of a plant's licensing basis. The proposed SG tube inspection frequency and sample selection criteria will continue to ensure that the SG tubes are inspected such that the probability of a SGTR is not increased. The consequences of a SGTR are bounded by the conservative assumptions in the design basis accident analysis. The proposed change will not cause the consequences of a SGTR to exceed those assumptions.

The proposed changes associated with Unit 2 SG replacement preserve the intent of the PlNGP TS for the new plant configuration following Unit 2 steam generator replacement. In effect, these changes will eliminate the SG tube repair criteria that were only applicable to the original SGs that will be replaced. These changes will ensure that the Unit 2 replacement SGs are subject to the inservice inspection, testing, and reporting criteria that are applicable to their design as approved for use with TSTF–510.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the Steam Generator Program associated with TSTF–510 will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The proposed change does not affect the design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component.

The proposed changes associated with Unit 2 SG replacement preserve the intent of the PlNGP TS for the new plant configuration following Unit 2 steam generator replacement. In effect, these changes will eliminate the SG tube repair criteria that were only applicable to the original SGs that will be replaced. Such programmatic changes do not affect the design of the SGs or their method of operation. In addition, these programmatic changes do not impact any other plant system or component.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes also isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of a SG is maintained by ensuring the integrity of its tubes.

Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed changes do not affect tube design or operating environment. The proposed changes will continue to require monitoring of the physical condition of the SG tubes such that there will not be a reduction in the margin of safety compared to the current requirements.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Acting Branch Chief: Istvan Frankl.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant (WBN), Unit 1, Rhea County, Tennessee

Date of amendment request: June 13, 2012.

Description of amendment request: The proposed amendment would selectively implement an Alternate Source Term (AST) methodology in accordance with Regulatory Position C.1.2.2 of Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' by modifying the WBN, Unit 1 licensing basis for determining offsite and Control Room doses due to a Fuel Handling Accident (FHA). A license amendment is required for AST implementation in accordance with 10 CFR 50.67(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequence of an accident previously evaluated?

Response: No.

The equipment affected by the proposed changes is mitigative in nature, and relied upon after an accident has been initiated. Application of the AST does not involve any physical changes to the plant design. While the operation of various systems will change as a result of these proposed changes, these systems are not accident initiators. Application of the AST is not an initiator of a design basis accident. The proposed changes to the TS [technical specifications], while they revise certain performance requirements, do not involve any physical modifications to the plant. As a result, the proposed changes do not affect any of the parameters or conditions that could contribute to the initiation of any accidents. As such, removal of operability requirements during the specified conditions will not significantly increase the probability of occurrence for an accident previously analyzed. Since design basis accident initiators are not being altered by adoption of the AST analysis of the FHA, the probability of an accident previously evaluated is not affected.

The dose consequences of a FHA have been re-evaluated utilizing the AST methodology recognized by 10 CFR 50.67 and the guidance contained within Regulatory Guide 1.183. Based upon the results of this analysis, TVA has demonstrated that, with the requested changes, the dose consequences of the FHA are within the appropriate acceptance criteria of 10 CFR 50.67(b)(2) and Table 6 of RG 1.183. The AST involves quantities, isotopic composition, chemical and physical characteristics, and release timing of radioactive material for use as inputs to the dose analysis of the FHA. Selective implementation of the AST does not create any conditions that could significantly increase the consequences of any of the events being evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes would not require any new or different accidents to be postulated, since no changes are being made to the plant that would introduce any new accident causal mechanisms. This license amendment request does not impact any plant systems that are potential accident initiators. The AST methodology involves quantities, isotopic composition, chemical and physical characteristics, and release timing of radioactive material for use as inputs to the dose analysis of the FHA.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

TVA is proposing to modify the methodology for responding to a FHA. Selective implementation of the AST methodology is relevant only to the calculated dose consequences for the FHA. The radiological analysis of the FHA does not credit containment isolation, operation of the Auxiliary Building Gas Treatment System, or operation of the Reactor Building Purge Air Cleanup Units. The results of the revised dose consequences analysis demonstrate that the regulatory acceptance criteria regarding onsite and offsite doses are met for the FHA.

In addition, the selective implementation of the AST methodology does not affect the transient behavior of non-radiological parameters (e.g., RCS [reactor coolant system] pressure, Containment pressure) that are pertinent to a margin of safety.

Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

NRC Branch Chief: George Wilson.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov*.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: December 20, 2011.

Brief description of amendment: The amendment revised technical specifications (TS) requirements related to primary containment isolation instrumentation. The changes are in accordance with NRC approved TS Task Force (TSTF), Improved Standard Technical Specifications (ISTS) change TSTF–306, Revision 2.

Date of issuance: August 29, 2012.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 189.

Facility Operating License No. NPF–43: Amendment revised the Technical Specifications and License.

Date of initial notice in ***Federal Register****:* April 3, 2012 (77 FR 20073).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 29, 2012.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit 1, Berrien County, Michigan

Date of application for amendment: September 29, 2011, as supplemented on July 25, 2012.

Brief description of amendment: The amendment revised Technical Specification (TS) 4.2.1, adding Optimized ZIRLO™ clad fuel rods to the fuel matrix in addition to Zircaloy or ZIRLO™ clad fuel rods that are currently in use. The amendment also added a Westinghouse topical report regarding Optimized ZIRLO™ as Reference 8 in TS 5.6.5.b, which lists the analytical methods used to determine the core operating limits.

Date of issuance: August 23, 2012.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 302.

Facility Operating License No. DPR–58: Amendment revised the Renewed Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* November 29, 2011 (76 FR 73731). The licensee's July 25, 2012, supplemental letter contained clarifying information, did not change the scope of the original license amendment request, did not change the NRC staff's initial proposed finding of no significant hazards consideration determination, and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 23, 2012.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendments: September 29, 2011, as supplemented by letter dated March 12, 2012.

Brief description of amendments: The amendment modified existing Technical Specification Surveillance Requirement (SR) 3.4.3.2, SR 3.5.1.9, and SR 3.6.1.5.1, to provide an alternate means for testing of the steam safety/relief valves (SRVs). The change allows for demonstrating the capability of the SRVs to perform their function without requiring the valves to be cycled with steam pressure while installed in the plant in accordance with the Inservice Testing Program.

Date of issuance: August 27, 2012.

Effective date: This license amendment is effective as of the date of issuance and shall be implemented within 30 days from date of issuance.

Amendment No.: 282.

Renewed Facility Operating License No. DPR–49: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* June 12, 2012 (77 FR 35075).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 2012.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota (NSPM), Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: May 25, 2012.

Brief description of amendment: The amendment revised the Monticello licensing basis, approving the removal of automatic transfer capability of essential electrical buses to the 1AR transformer due to degraded voltage conditions.

Date of issuance: August 27, 2012.

Effective date: This license amendment is effective as of the date of its issuance, and shall be implemented within 30 days of issuance, except the revision of the updated safety analysis report to reflect the revised licensing basis of the 1AR transformer shall follow the schedule set forth in 10 CFR 50.71(e).

Amendment No.: 169.

Facility Operating License No. DPR–22. Amendment revised the Renewed Facility Operating License.

Date of initial notice in ***Federal Register****:* June 26, 2012 (77 FR 38096).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 27, 2012.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 6th day of September 2012.

For the Nuclear Regulatory Commission.

Louise Lund,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2012–22698 Filed 9–13–12; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67822; File No. SR–BX–2012–060]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Transaction Fees

September 10, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 30, 2012, NASDAQ OMX BX, Inc. (''BX'' or ''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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XV, Section 2 entitled ''BX Options Market—Fees and Rebates'' to amend rebates and fees relating to various options and make technical corrections to this section.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=BXRulefilings,* at the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Chapter XV, Section 2(1) to amend rebates and fees for Customers, BX Options Market Makers [3] and Non-Customers [4] in various options,[5] as well as remove certain options from the Fees and Rebates schedule below,[6] as follows:

FEES AND REBATES

[Per executed contract]

	Customer	BX Options market maker	Non-customer [1]
IWM, QQQ and SPY:			
Rebate to Add Liquidity	[2] $0.[15]*00*	[2] $0.15	[$0.00] *N/A*
Fee to Add Liquidity	[3] 0.1[5]*8*	[3] 0.1[5]*8*	0.4[3]*5*
Rebate to Remove Liquidity	0.12	[0.00] *N/A*	[0.00] *N/A*
Fee to Remove Liquidity	[0.00] *N/A*	0.4[3]*5*	0.4[3]*5*
[BAC, C, CSCO, F, INTC, MSFT, JPM, GLD, SLV and USO:			
Rebate to Add Liquidity	[2] 0.15	[2] 0.15	0.00
Fee to Add Liquidity	[3] 0.37	[3] 0.37	0.43
Rebate to Remove Liquidity	0.32	0.00	0.00
Fee to Remove Liquidity	0.00	0.43	0.43]
All Other Penny Pilot Options:			
Rebate to Add Liquidity	[2] 0.[1]*00*	[2] 0.10	[0.00] *N/A*
Fee to Add Liquidity	[3] 0.40	[3] 0.40	0.4[3]*5*
Rebate to Remove Liquidity	0.32	[0.00] *N/A*	[0.00] *N/A*
Fee to Remove Liquidity	[0.00] *N/A*	0.4[3]*5*	0.4[3]*5*

[1] A Non-Customer includes a Professional, Firm, Broker-Dealer and Non-BX Options Market Maker.

[2] The Rebate to Add Liquidity will be paid to a Customer or BX Options Market Maker only when the Customer or BX Options Market Maker is contra to a Non-Customer or BX Options Market Maker.

[3] The Fee to Add Liquidity will be assessed to a Customer or BX Options Market Maker only when the Customer or BX Options Market Maker is contra to a Customer.

The Exchange is proposing to eliminate the Rebate to Add Liquidity, in any symbol, to a Customer. The Exchange is also proposing to increase the Fee to Add Liquidity in IWM, QQQ and SPY from $0.15 to $0.18 per executed contract for Customers and BX Options Market Makers. For Non-Customers the Fee to Add or to Remove Liquidity in IWM, QQQ and SPY and for all other Penny Pilot Options would increase from $0.43 to $0.45 per executed contract. Additionally, for BX Options Market Makers the Fee to Remove Liquidity in IWM, QQQ and SPY and for all other Penny Pilot Options would increase from $0.43 to $0.45 per executed contract. The Exchange is also proposing to remove entirely from the Fees and Rebates schedule certain other options.[7]

The Exchange is also proposing to make technical corrections in Chapter XV, Section 2 by replacing ''$0.00'' with ''N/A'' for several categories. This is not a change to these fees and rebates, but a technical amendment since in these instances ''N/A'' better reflects that a fee is not relevant for this category rather than ''$0.00'' which simply reflects that no fee is currently being charged for this category.

The Exchange believes that the proposed amended fees and rebates are competitive and will encourage BX members to transact business on the Exchange. Despite the reduction of the Customer rebate to $0.00, the Exchange believes that the fees remain competitive with other options exchanges and that market participants will continue to send order flow to the Exchange.

[3] A BX Options Market Makers must be registered as such pursuant to Chapter VII, Section 2 of the BX Options Rules, and must also remain in good standing pursuant to Chapter VII, Section 4.

[4] A Non-Customer includes a Professional, Firm, Broker-Dealer and Non-BX Options Market Maker.

[5] The Exchange is proposing to amend fees and rebates for options overlying iShares Russell 2000 (''IWM''), PowerShares QQQ Trust (''QQQ'')®; Standard and Poor's Depositary Receipts/SPDRs (''SPY''); and all other Penny Pilot Options.

[6] The Exchange is proposing to eliminate fees and rebates for Bank of America Corporation (''BAC''), Citigroup, Inc. (''C''), Cisco Systems, Inc. (''CSCO''), Ford Motor Company Common Stock (''F''), Intel Corp (''INTC''), Microsoft Corporation (''MSFT''), JP Morgan Chase & Co. (''JPM''), SPDR Gold Shares (''GLD''), iShares Silver Trust (''SLV'') and United States Oil Fund LP Units (''USO'') (''Deleted Symbols'').

[7] *Id.* As a result, the pricing for the Deleted Symbols currently in place will be eliminated and revert to the current fees and rebates for all other Penny Pilot Options. The Rebate to Add Liquidity will decrease for Customers and BX Options Market Makers from $0.15 to $0.00 and from $0.15 to $0.10 per contract, respectively. A Non-Customer will continue not to be paid a Rebate for Adding Liquidity. The Rebate to Remove Liquidity will remain unchanged, a Customer will continue to be paid a $0.32 per contract rebate and BX Options Market Makers and Non-Customers will not be entitled to a Rebate to Remove Liquidity. The Fee to Remove Liquidity will remain unchanged for Customers as they will not be assessed this fee as is the case today. The Fee for Removing Liquidity will increase for BX Options Market Makers and Non-Customers from $0.43 to $0.45 per contract because the Exchange is proposing to increase this fee.

2. Statutory Basis

BX believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[8] in general, and with Section 6(b)(4) of the Act,[9] in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which BX operates or controls.

The Exchange believes that its proposal to assess different fees and rebates for IWM, QQQ and SPY as compared to all other Penny Pilot Options is reasonable given the fact that certain symbols such as IWM, QQQ and SPY are highly liquid Penny Pilot Options as compared to other Penny Pilot Options. Additionally, other options exchanges differentiate pricing by security today.[10]

The Exchange believes that its proposal to assess different fees and rebates for IWM, QQQ and SPY as compared to all other Penny Pilot Options is equitable and not unfairly discriminatory as described hereafter. With respect to the proposed elimination of the Rebate to Add Liquidity [11] for IWM, QQQ, SPY and all other Penny Pilot Options, the Exchange believes it is critical to incentivize BX Options Market Makers because they have obligations to the market and regulatory requirements,[12] which normally do not apply to other market participants. A BX Options Market Maker has the obligation to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The Exchange is proposing to eliminate the Customer Rebate to Add Liquidity because the Exchange believes that Customers do not require a similar incentive as do BX Options Market Makers because they post liquidity on the Exchange for reasons other than the opportunity to receive rebates and additionally, Customers, unlike BX Options Market Makers, are not assessed a Fee to Remove Liquidity.[13] BX Options Market Makers would continue to receive the opportunity to earn a $0.10 per contract (all other Penny Pilot Options) or $0.15 per contract (IWM, QQQ, and SPY) Rebate to Add Liquidity only when they are contra to a Non-Customer or BX Options Market Maker. The proposed differentiation as between Customers and BX Options Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by BX Options Market Makers, as well as the differing mix of orders entered. This is not to say that Customer order flow is not important, to the contrary, the Exchange believes that the pursuit of such order flow by BX Options Market Makers and other market participants because of the valuable liquidity Customer order flow brings to the marketplace is the very reason that at this time, the Exchange desires to incentivize and reward BX Options Market Makers to make continuous markets and pursue Customer Order which can be freely removed at no expense. Also, it is important to note that BX Options Market Makers are unaware at the time the order is entered whether they would be entitled to a $0.10 or $0.15 per contract Rebate to Add Liquidity, depending on the security, because they are unaware of the identity of the contra-party, which would determine whether they receive a rebate. Because of anonymity of the contra-parties, BX Options Market Makers aggressively pursue order flow which benefits all market participants.

The Exchange's proposal to increase the Fee to Add Liquidity for IWM, QQQ, SPY for all market participants and for Non-Customers in all other Penny Pilot Options, as well as to increase the Fee to Remove Liquidity for IWM, QQQ, SPY and all other Penny Pilot Options for BX Options Market Makers and for Non-Customers is reasonable because the increased fees would allow the Exchange to continue to reward Customers for removing liquidity, and BX Options Market Makers for providing liquidity with rebates. The advantage of increased Customer order flow benefits all market participants. In addition, the proposed amended Fees to Add or to Remove Liquidity are no greater than the rates assessed by other exchanges for similar fees.[14] Attracting Customer, BX Options Market Maker, and Non-Customer order flow to the Exchange benefits all market participants. BX Options Market Makers have burdens that do not apply to other market participants. The Exchange is also uniformly assessing all Non-Customer market participants (Professionals, Firms, Broker-Dealers, Non-BX Options Market Makers and BX Options Market Makers) the same $0.45 per executed contract Fee to Add or to Remove Liquidity on every transaction.

The Exchange's proposal to increase the Fee to Add Liquidity for IWM, QQQ, SPY for all market participants and for Non-Customers of all other Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange is increasing all market participant Fees to Add Liquidity. Specifically, while Customers and BX Options Market Makers are being increased by $0.03 per executed contract, Non-Customers are being increased by $0.02 per executed contract because they are assessed higher fees. The Exchange is assessing higher fees to all participants and not a select group of market participants. The Exchange's proposal to increase the Fee to Remove Liquidity for BX Options Market Makers and Non-Customers for IWM, QQQ, SPY and for all other Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange is uniformly assessing all market participants, except Customers,[15] a $0.45 per executed contract Fee to Remove Liquidity.

The Exchange believes that its proposal to eliminate the fees and rebates currently in place for Deleted Symbols and instead include these symbols in all other Penny Pilot Options and assess those fees and pay those rebates is reasonable because the Exchange does not believes [sic] it is necessary to incentivize BX Options Participants with higher rebates and lower fees as compare [sic] to other Non-Penny [sic] Pilot Options. The Exchange believes that the fee [sic] and

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] *See* NASDAQ OMX PHLX LLC's (''Phlx'') Pricing Schedule, which has different pricing for its Select Symbols and different pricing for other Multiply Listed Options. *See also* the NASDAQ Options Market LLC (''NOM'') at Chapter XV, Section 2(1), which distinguishes pricing for NDX and MNX. *See also* the International Securities Exchange LLC's Fee Schedule, which distinguishes pricing for Special Non-Select Penny Pilot Symbols. *See also* the Chicago Board Options Exchange, Incorporated's Fees Schedule, which distinguishes index products.

[11] The Exchange proposes to eliminate for Customers the Rebate to Add Liquidity for IWM, QQQ, and SPY of $0.15 per contract and of $0.10 per contract for other Penny Pilot Options.

[12] Pursuant to Chapter VII (Market Participants), Section 5 (Obligations of Market Makers), in registering as a Market Maker, an Options Participant commits himself to various obligations. Transactions of a Market Maker in its market making capacity must constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and Market Makers should not make bids or offers or enter into transactions that are inconsistent with such course of dealings. Further, all Market Makers are designated as specialists on BX for all purposes under the Act or rules thereunder. *See* Chapter VII, Section 5.

[13] Today, Customers are not assessed a Fee to Remove Liquidity unlike other market participants.

[14] *See* BATS Exchange, Inc.'s Fee Schedule. *See also* NOM Chapter XV, Section 2 (the Penny Pilot Fees to Remove Liquidity are $0.45 per contract for all market participants).

[15] Customers are not assessed a Fee to Remove Liquidity today in either Penny Pilot or all other Penny Pilot Options.

rebates in place for all other Penny Pilot Options will continue to incentivize NOM Participants to transact business on the Exchange because despite the increase to the fees and the rebate reduction, the pricing for these Non-Penny [sic] Pilot Options remains competitive. The Exchange also believes that it is equitable and not unfairly discriminatory to assess the Deleted Symbols the fees and rebates currently assessed and paid all other Penny Pilot Options because the fees and rebates would be the same as those assessed and paid for all other Non-Penny [sic] Pilot Options today. The Exchange would assess and pay fees and rebates for the Deleted Symbols, which are Non-Penny [sic] Pilot symbols, the same pricing as is assessed and paid for all other Non-Penny [sic] Pilot symbols options.

The Exchange's proposal to make technical corrections in Chapter XV, Section 2, by replacing ''$0.00'' with ''N/A'' for several categories is reasonable, equitable and not unfairly discriminatory because this is not a change to these fees and rebates, but a clarification that in these instances ''N/A'' better reflects that a fee is not relevant for this category rather than using ''$0.00'' which simply reflects that no fee is currently being charged for this category.

The Exchange operates in a highly competitive market comprised of ten U.S. options exchanges in which sophisticated and knowledgeable market participants can and do send order flow to competing exchanges if they deem fee levels at a particular exchange to be excessive. The Exchange believes that the proposed amended fee and rebate scheme is competitive and similar to other fees and rebates in place on other exchanges. The Exchange believes that this competitive marketplace materially impacts the fees and rebates present on the Exchange today and substantially influences the proposal set forth above.

B. Self-Regulatory Organization's Statement on Burden on Competition

BX 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. To the contrary, BX has designed its fees and rebates to compete effectively for the execution and routing of options contracts and to reduce the overall cost to investors of options trading. The Exchange believes that the proposed fee/rebate pricing structure would attract liquidity to and benefit order interaction at the Exchange to the benefit of all market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2012–060 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–2012–060.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BX–2012–060* and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22688 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67816; File No. SR–NSX–2012–14]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Purpose of, and Statutory Basis for, the September 4, 2012 Changes to the NSX Fee and Rebate Schedule

September 10, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 4, 2012, National Stock Exchange, Inc. filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comment on the proposed rule change 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

National Stock Exchange, Inc. (''NSX®'' or ''Exchange'') is proposing to amend its Fee and Rebate Schedule (the ''Fee Schedule'') issued pursuant to Exchange Rule 16.1(a) to introduce different Fee Schedules including liquidity adding rebates and liquidity removal fees. The Exchange proposes to adopt a Fee Schedule which allows Equity Trading Permit (''ETP'') Holders to choose one of two pricing options which can be applied to shares executed on the Exchange in Automatic Execution Mode [3] for securities quoted at prices equal to or greater than one dollar. ETP Holders can choose between a Variable Fee Schedule, which offers a liquidity adding rebate, a fixed liquidity removal fee along with market data rebates, and a Fixed Fee Schedule which sets forth a fixed liquidity adding rebate and a fixed liquidity removal fee.

The proposed rule filing also offers ETP Holders that execute orders using the Order Delivery Mode [4] an alternate fee schedule (''Alternate Fee Schedule'') for securities quoted at prices equal to or greater than one dollar. The Alternate Fee Schedule may provide these ETP Holders with an incentive to execute additional orders on the Exchange using the Automatic Execution Mode. ETP Holders that are order delivery participants automatically receive the Alternate Fee Schedule upon meeting the minimum ADV threshold of 1,500,000 in Order Delivery Mode and 10,000,000 shares in Automatic Execution Mode. Under the Alternate Fee Schedule, ETP Holders will receive up to an additional $0.0003 liquidity adding rebate over the tiered rebates contained in the Primary Fee Schedule when the tier requirements are met. The Exchange is also proposing to reduce the liquidity adding rebates and increase the number of ADV tiers on the current Primary Fee Schedule (as defined in further detail below).

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nsx.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

The Exchange is proposing to modify the Fee Schedule for securities quoted in prices equal to or greater than one dollar. The Exchange will not change the Fee Schedule for securities priced less than one dollar. First, the Exchange is proposing to introduce a Fixed Fee Schedule which will be the default Fee Schedule for shares executed in Automatic Execution Mode. Second, the Exchange proposes to require ETP Holders to pay a $0.0030 liquidity removal fee under both the Fixed Fee Schedule and the Variable Fee Schedule unless the ETP Holder provides and executes 50,000 shares of liquidity per month on the Exchange in Automatic Execution Mode. ETP Holders that exceed the 50,000 liquidity providing threshold will be charged the liquidity removal rate from the appropriate ADV tier on the default Fixed Fee Schedule or the elected Variable Fee Schedule. Third, the Exchange proposes to reduce the per share liquidity adding rebate and increase the number of ADV tiers for securities quoted at prices equal to or more than one dollar for ETP Holders that use the Order Delivery Mode. Fourth, an Alternate Fee Schedule will be proposed by the Exchange for ETP Holders executing orders using the Order Delivery Mode. Under the Alternate Fee Schedule, shares executed under the Automatic Execution Mode by an ETP Holder that is an order delivery participant will be attributed to the per share average daily volume (''ADV'') calculation [5] used by the Exchange to determine the tiered rebate applicable to Order Delivery Mode. Fifth, the Exchange is proposing to amend the definition of the ADV used to determine whether the Alternate or Primary Fee Schedule applies to an ETP Holder using Order Delivery Mode. Finally, the Exchange is proposing to clarify the Fee Schedule's endnotes, and present the fee structure in a table format.

1. Introduction of Fixed Fee Schedule for Automatic Execution Mode

The Exchange's current tiered pricing schedule for ETP Holders executing transactions using the Automatic Execution Mode includes a liquidity adding rebate, a liquidity removal fee and a market data revenue rebate which causes variable pricing (''Variable Fee Schedule''). The Exchange will not change the rates currently contained in the Variable Fee Schedule. The Exchange changed the presentation of the Variable Fee Schedule by representing the liquidity adding rebates, liquidity removal fees and market data revenue rebates in a table format.

The proposed rule change introduces a Fixed Fee Schedule applicable to transactions executed by ETP Holders using the Automatic Execution Mode. The Fixed Fee Schedule will be the Exchange's default pricing for shares executed in Automatic Execution Mode. However, an ETP Holder may elect to apply the Variable Fee Schedule instead of the Fixed Fee Schedule by indicating its preference in an email to the Exchange prior to the first of the month.[6] ETP Holders may elect the Variable Fee Schedule following the effectiveness of this rule filing by emailing the Exchange by September 10, 2012.[7]

The Fixed Fee Schedule provides fixed tier pricing and no market data revenue rebate. ETP Holders will receive a fixed rebate when executing displayed orders that add liquidity, and be charged a fixed fee when executing orders that remove liquidity from the Exchange. Under the Fixed Fee Schedule, a per share liquidity adding rebate will be paid for displayed orders in securities quoted with a price equal to or greater than a dollar at a rate of $0.0024, $0.0030, $0.0031, $0.0032, or $0.0033 per share depending on an ETP Holder's ADV. An ETP Holder will receive a $0.0024 per share rebate when the ETP Holder's ADV is less than 500,000 shares; a $0.0030 per share rebate when the ETP Holder's ADV is at least 500,000 shares but less than 1,500,000 shares; a $0.0031 per share rebate when the ETP Holder's ADV is at least 1,500,000 shares but less than 5,000,000 shares; a $0.0032 per share rebate when the ETP Holder's ADV is at least 5,000,000 shares but less than 10,000,000 shares; and a $0.0033 per share rebate when the ETP Holder's ADV is at least 10,000,000 shares.

In addition, the Fixed Fee Schedule will charge ETP Holders a tiered liquidity removal fee at a rate of $0.0030, $0.0029, $0.0028, or $0.0027 per share depending on an ETP Holder's

[3] See NSX Rule 11.13(b)(1).

[4] See NSX Rule 11.13(b)(2).

[5] See Endnote 4. The Exchange proposes to define the ADV as the average number of shares the ETP Holder has executed on the Exchange in all NMS stocks quoted at prices equal to or greater than a dollar when the Exchange is open for trading (excluding partial trading days) in Auto-Ex Mode or in Order Delivery Mode during the calendar month (or partial month, as applicable [3]) [sic]. Shares executed by an ETP Holder in Auto-Ex Mode will only be used by the Exchange to calculate the minimum ADV contained in Section I of the Fee Schedule. Likewise, shares executed by an ETP Holder in Order Delivery Mode as an order delivery participant will only be used by the Exchange to calculate the minimum ADV contained in Section II of the Fee Schedule.

[6] See Endnote 3.

[7] See Endnote 3. ETP Holders may elect to adopt the ''Variable Fee Schedule'' by sending an email indicating this preference to *NSXTrading@NSX.com*.

ADV. A $0.0030 per share fee applies when the ETP Holder's ADV is less than 500,000 shares; a $0.0029 per share fee applies when the ETP Holder's ADV is at least 500,000 shares but less than 5,000,000 shares; a $0.0028 per share fee applies when the ETP Holder's ADV is at least 5,000,000 shares but less than 10,000,000 shares; and a $0.0027 per share fee applies when the ETP Holder's ADV is at least 10,000,000 shares.

2. Tiered Pricing Contingency

The proposed rule change will also make the availability of the lower tiered pricing for liquidity removal contained in the Fixed Fee Schedule and the Variable Fee Schedule contingent upon an ETP Holder's use of the Automatic Execution Mode to execute 50,000 shares per month of displayed orders which add liquidity to the Exchange.

3. Reduction of Per Share Liquidity Rebate for Order Delivery Mode

As currently reflected in Section II of the Fee Schedule, ETP Holders that execute orders using the Order Delivery Mode receive a liquidity adding rebate for displayed orders of securities quoted at prices equal to or better than one dollar, and a market data revenue rebate attributable to these orders is available at certain ADV levels. The Exchange currently offers a per share rebate of $0.0008, $0.0024 or $0.0027 per share depending on an ETP Holder's ADV (''Primary Fee Schedule''). A current $0.0008 per share rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is less than 15,000,000 shares; a current $0.0024 per share rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is at least 15,000,000 shares but less than 25,000,000 shares; a current $0.0027 per share rebate (plus 25% market data revenue sharing) applies when the ETP Holder's ADV is at least 25,000,000 shares but less than 30,000,000 shares; and a current $0.0027 per share rebate (plus 50% market data revenue sharing) applies when the ETP Holder's ADV is at least 30,000,000 shares.

The Exchange is proposing to reduce the liquidity adding rebates and increase the number of tier sizes offered under the Primary Fee Schedule. The proposed changes include an $0.0008 per share rebate (with no market data revenue sharing) when the ETP Holder's ADV is less than 10,000,000 shares; a $0.0011 per share rebate (with no market data revenue sharing) when the ETP Holder's ADV is at least 10,000,000 shares but less than 12,000,000 shares; a $0.0015 per share rebate (with no market data revenue sharing) when the ETP Holder's ADV is at least 12,000,000 shares but less than 15,000,000 shares; a $0.0021 per share rebate (with no market data revenue sharing) when the ETP Holder's ADV is at least 15,000,000 shares but less than 20,000,000; a $0.0021 per share rebate (plus 25% market data revenue sharing) when the ETP Holder's ADV is at least 20,000,000 shares but less than 25,000,000; and a $0.0024 per share rebate (plus 25% market data revenue sharing) when the ETP Holder's ADV is equal to or greater than 25,000,000 shares.

An ETP Holder may be eligible for an additional $0.0001 rebate on the Primary Fee Schedule if the ETP Holder executes an ADV of 3,000,000 to 4,999,999 shares using the Automatic Execution Mode in addition to a minimum ADV of 1,500,000 shares in Order Delivery Mode. An ETP Holder may also be eligible for an addition $0.0002 rebate on the Primary Fee Schedule by executing an ADV of 5,000,000 to 9,999,999 shares using the Automatic Execution Mode in addition to a minimum of 1,500,000 shares in Order Delivery Mode.

4. Alternate Fee Schedule

The Exchange is also proposing to adopt an ''Alternate Fee Schedule'' which will automatically apply when an ETP Holder that uses the Order Delivery Mode as an order delivery participant meets the minimum ADV threshold by executing 1,500,000 shares using the Order Delivery Mode and 10,000,000 using the Automatic Execution Mode.[8] The Alternate Fee Schedule will be in lieu of the Primary Fee Schedule. ETP Holders that are not order delivery participants will not be subject to this fee schedule.

As stated above, an ETP Holder that is an Order Delivery participant will automatically receive the Alternate Fee Schedule by meeting a minimum ADV of 1,500,000 shares in Order Delivery Mode and 10,000,000 shares in Automatic Execution Mode. The Alternate Fee Schedule increases an ETP Holder's liquidity adding rebates from the tiered liquidity adding rates in the Primary Fee Schedule by $0.0003 per tier. Thus, a $0.0011 per share liquidity adding rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is less than 10,000,000 shares; a $0.0014 per share liquidity adding rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is at least 10,000,000 shares but less than 12,000,000 shares; a $0.0018 per share liquidity adding rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is at least 12,000,000 shares but less than 15,000,000 shares; a $0.0024 per share liquidity adding rebate (with no market data revenue sharing) applies when the ETP Holder's ADV is at least 15,000,000 shares but less than 20,000,000; a $0.0024 per share liquidity adding rebate (plus 25% market data revenue sharing, as further described below) applies when the ETP Holder's ADV is at least 20,000,000 shares but less than 25,000,000; and a $0.0027 per share liquidity adding rebate (plus 25% market data revenue sharing) applies when the ETP Holder's ADV is greater than 25,000,000 shares. The Alternate Fee Schedule attributes the number of shares executed by the ETP Holder using the Automatic Execution Mode in the per share ADV calculation used by the Exchange to determine the applicable tiered rebates available in Order Delivery Mode.

5. Amended ADV Definition for Order Delivery Mode

The Exchange proposes a clarification in endnote 8 providing that marketable orders entered by an ETP Holder that is an order delivery participant with a handling instruction other than Post Only through the order delivery session is [sic] subject to the Automatic Execution Mode Fee Schedule. Furthermore, these orders will be counted towards the minimum ADV for Automatic Execution Mode for determining whether the Alternate Fee Schedule will automatically apply.

6. Amended Endnotes and Table Presentation

The Exchange also proposes to make certain amendments to the Fee Schedule in order to clarify language used in the endnotes. The Exchange proposes to clarify the definition of (i) Displayed Orders contained in endnote 2, (ii) ADV contained in endnote 4, and (iii) Market Data Revenue (''MDR'') Rebates contained in endnote 5. These proposed amendments do not represent a substantive change to the current definitions. Also, the Exchange moved endnotes 7 through 10 in the proposed Fee Schedule. Subject to the changes discussed in this filing, there are no additional substantive changes made to endnotes 7 through 10. Finally, the Exchange is proposing to change the presentation of its multiple fee schedules by using tables to set forth the different rebates and fees.

6. [sic] Rationale

The Exchange believes these changes are necessary to create incentives for ETP Holders to submit increased

[8] See Endnote 9.

volumes of orders to the Exchange and, ultimately, to increase the revenues of the Exchange for the purpose of continuing to adequately fund its regulatory and general business functions. The Exchange believes that these changes will not impair its ability to carry out its regulatory responsibilities. The proposed modifications are reasonable and equitably allocated to those ETP Holders that opt to submit orders in the Automatic Execution Mode (as liquidity provider or taker) and the Order Delivery Mode, and are not unfairly discriminatory because ETP Holders are free to elect whether or not to send such orders to the Exchange. In addition, the proposed modifications, by providing a market data rebate for displayed orders only (and not Zero Display Reserve Orders), may provide incentives for ETP Holders to submit displayed orders over Zero Display Reserve Orders. Based upon the information above, the Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest.

Operative Date and Notice

The Exchange currently intends to make the proposed modifications, which are effective on filing of this proposed rule, operative as of commencement of trading on September 4, 2012. Pursuant to Exchange Rule 16.1(c), the Exchange will ''provide ETP Holders with notice of all relevant dues, fees, assessments and charges of the Exchange'' through the issuance of a Regulatory Circular of the changes to the Fee Schedule and will post a copy of the rule filing on the Exchange's Web site (*www.nsx.com*).

Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the provisions of Section 6(b) of the Securities Exchange Act of 1934 [9] (the ''Act''), in general, and Section 6(b)(4) of the Act,[10] in particular in that each change is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using the facilities of the Exchange.

The proposed changes that introduce the two different pricing options are equitably allocated and not unfairly discriminatory because all qualified ETP Holders are eligible to choose which Fee Schedule they would like to apply. The adjustments are reasonable methods to incentivize the submission of orders on the Exchange. These proposed changes are equitable because they are open to all members on an equal basis.

The proposed changes that to [sic] the Automatic Execution Mode Section of the Fee Schedule are equitably allocated and not unfairly discriminatory because all qualified ETP Holders are eligible to submit (or not submit) displayed liquidity providing orders of securities priced at least one dollar in Automatic Execution Mode on the Exchange. The volume adjustments are reasonable methods to incentivize the submission of such orders. All similarly situated members are subject to the same fee structure, and access to the Exchange is offered on terms that are not unfairly-discriminatory. Volume-based rebates and discounts have been widely adopted in the equities markets, and are equitable because they are open to all members on an equal basis and provide rebates that are reasonably related to the value of an exchange's market quality associated with the requirements for the favorable pricing tier.

The proposed changes to the rebates payable for executions in securities priced at least one dollar in Order Delivery Mode are reasonable because they are in the same range of rebates offered by other comparable exchanges. The proposed changes are equitably allocated and not unfairly discriminatory because all qualified ETP Holders are eligible to submit (or not submit) displayed liquidity providing orders of securities priced at least one dollar in Order Delivery Mode on the Exchange. The volume adjustments are reasonable methods to incentivize the submission of such orders. All similarly situated members are subject to the same fee structure, and access to the Exchange is offered on terms that are not unfairly-discriminatory [sic]. Volume-based rebates and discounts have been widely adopted in the equities markets, and are equitable because they are open to all members on an equal basis and provide rebates that are reasonably related to the value of an exchange's market quality associated with the requirements for the favorable pricing tier.

The proposed visual changes to the Fee Schedule is [sic] reasonable because it allows [sic] Exchange ETP Holders to better understand the different Fee Schedules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

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 written comments on 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)(ii) of the Act.[11] At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NSX–2012–14 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–NSX–2012–14*. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

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

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–NSX–2012–14 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22641 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67818; File No. SR–EDGX–2012–39]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

September 10, 2012.

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 August 31, 2012 the EDGX Exchange, Inc. (the ''Exchange'' or the ''EDGX'') 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 change 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 its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGX Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of 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, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to append Footnote 1 to Flag PI, where Flag PI removes liquidity from the EDGX book against the Midpoint Match. This charge would signal a rate change for Flag PI if the conditions for achieving the Mega Tier [4] are not satisfied. The Exchange also proposes to amend the text of Footnote 1 to add Flags BB and PI to the list of removal flags and to add text to specify that Members that do not meet the thresholds for the Mega Tier in the first paragraph of Footnote 1 will be charged the standard removal rate of $0.0030 per share.

The Exchange proposes to assess a fee of $0.0006 per share in lieu of the current rebate of $0.0003 per share for Members who utilize Flag RA to route orders to EDGA Exchange, Inc. (''EDGA'') and add liquidity. The Exchange also proposes to offer a rebate of $0.0004 per share in lieu of the current charge of $0.0007 per share for Members who utilize Flag RR to route orders to EDGA using routing strategies IOCX or IOCT on EDGX and remove liquidity from EDGA. These proposed changes represent pass-throughs of the Exchange's rates for routing orders to EDGA via its affiliated routing broker-dealer, Direct Edge ECN LLC d/b/a DE Route (''DE Route''), and these proposed changes are in response to pricing changes in EDGA's filing with the Securities and Exchange Commission (the ''SEC'').[5]

The Exchange proposes to delete Flag RM from the fee schedule. Accordingly, Members that route to the Chicago Stock Exchange (the ''CHX'') will be assessed the default charge for routing liquidity of $0.0029 per share, as represented by Flag X.

The Exchange proposes to increase the rebate and to modify the thresholds associated with the Mega Tier in Footnote 1. The Exchange proposes to offer Members a rebate of $0.0035 per share for all liquidity posted on EDGX where Members add or route at least 2 million shares of average daily volume (''ADV'') prior to 9:30 a.m. or after 4:00 p.m. (includes all flags except 6) and add a minimum of 35 million shares of ADV on EDGX in total, including during both market hours and pre and post-trading hours. Members will continue to also qualify for the Mega Tier but will earn a rebate of $0.0032 per share for all liquidity posted on EDGX if they add or route at least 4 million shares of ADV prior to 9:30 a.m. or after 4:00 p.m. (includes all flags except 6) and add a minimum of .20% of the Total Consolidated Volume (''TCV'') on a daily basis measured monthly, including during both market hours and pre and post-trading hours.

The Exchange proposes to discontinue the Tape B tiers described in Footnote 1 on the Exchange's fee schedule. Accordingly, the Exchange proposes to delete the following language from its fee schedule: ''Members can qualify for the Mega Tape B Tier and be provided a $0.0034 rebate per share for liquidity added on EDGX in Tape B securities if the Member on a daily basis, measured monthly: (i) Posts greater than or equal to .10% of the TCV in ADV more than their January 2012 ADV added to EDGX; and (ii) posts greater than or equal to .10% of the TCV in ADV in Tape B securities more than their January 2012 ADV added to EDGX.'' In addition, the Exchange also proposes to delete the following language from its fee schedule: ''Members can qualify for the Mini Tape B Tier and be provided a $0.0030 rebate per share for liquidity added on EDGX in Tape B securities if the Member on a daily basis, measured

[3] As defined in Exchange Rule 1.5(n).

[4] The Mega Tier conditions are discussed below in this filing.

[5] *See* SR–EDGA–2012–39 (August 30, 2012).

monthly: (i) Posts greater than or equal to .05% of the TCV in ADV more than their January 2012 ADV added to EDGX; and (ii) posts greater than or equal to .05% of the TCV in ADV in Tape B securities more than their January 2012 ADV added to EDGX.'' As a result of the discontinuation of the Tape B tiers in Footnote 1, Tape B securities do not have a specific tier and are subject to the remaining EDGX tier structure, as applicable.

The Exchange proposes to codify on the top of its fee schedule the premise that it uses footnotes to provide further explanatory text or, where annotated to flags, to indicate variable rate changes, provided the conditions in the footnote are met. In connection with this premise, the Exchange proposes to delete Footnote 12 that is appended to Flags B, V, Y, 3, 4, HA and MM because the rates for Flags B, V, Y, 3, 4, HA and MM [6] do not change where a Market Participant Identifier (''MPID'') achieves an add liquidity ratio equal to or greater than 10%. The Exchange will continue to append Footnote 12 to Flags N, W, 6, BB and PI, which denotes that the Exchange will charge a removal rate of $0.0029 per share where an MPID achieves an add liquidity ratio equal to or greater than 10%. Finally, the Exchange proposes to delete Footnote 6 that is appended to Flag M to also signify that a rate change is not signaled.[7] These amendments support the Exchange's efforts to annotate flags with footnotes to signify a potential rate change, rather than annotating every flag to denote which flags contribute towards the volume threshold and/or conditions necessary to achieve a potential rate change.

The Exchange proposes to delete Footnote 1 that is appended to Flags HA and MM in order to specify that these non-displayed order types would not be eligible for the increased rebates for displayed orders in the tiers in Footnote 1 of the Exchange's fee schedule. Rather, Flag HA is rebated $0.0015 per share and Flag MM is charged $0.0012 per share, regardless of whether the tiers in Footnote 1 are met.[8]

The Exchange also proposes to amend the text of Footnote 12 to include Flag PR, where Flag PR removes liquidity from the EDGX book using the ROUQ routing strategy, as part of the ''removal flags.'' [9] These removal flags are used to calculate whether an MPID satisfied the ''add liquidity'' ratio calculation [10] to qualify for a removal rate of $0.0029 per share instead of $0.0030 per share.

The Exchange proposes to implement these amendments to its fee schedule on September 1, 2012.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[11] in general, and furthers the objectives of Section 6(b)(4),[12] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes that its proposal to append Footnote 1 to Flag PI, to make changes to the text of Footnote 1 to add Flags BB and PI to the list of removal flags, and to specify the default rate of $0.0030 per share (if the Mega tier's conditions are not met) will incentivize Members to add liquidity to the Exchange. In turn, by posting liquidity, Members using these flags will achieve the discounted removal charge of $0.0029 per share for meeting the tier's conditions rather than the default charge of $0.0030 per share. Such amendment represents an equitable allocation of reasonable dues, fees, and other charges because the resulting increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. In addition, by providing the ability to obtain the lower removal charge, which is a more favorable rate, the Exchange is encouraging posting of liquidity, which benefits the market as a whole by contributing to increased price discovery and market depth. These lower per share costs in turn would allow the Exchange to pass on the savings to Members in the form of lower fees (for example, $0.0029 per share for Flags BB and PI instead of $0.0030 per share). The increased liquidity benefits all investors by deepening EDGX's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Discounts based on volume such as the one proposed herein have been widely adopted in the cash equities markets, and are equitable because they are open to all Members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery processes. In addition, the Exchange also believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The rates and rebates associated with routing orders to EDGA through DE Route on the Exchange's fee schedule are pass-through rates from DE Route to the Exchange and represent an equitable allocation of reasonable dues, fees, and other charges among Members of the Exchange and other persons using its facilities because the Exchange does not levy additional fees or offer additional rebates for orders that it routes to EDGA through DE Route. The Exchange notes that routing through DE Route is voluntary and DE Route is treated like any other Member of EDGA. Currently, for orders yielding Flag RA, EDGA rebates DE Route $0.0003 per share, which, in turn, is passed through to the Exchange. The Exchange, in turn, rebates its Members $0.0003 per share as a pass-through. In EDGA's September 1, 2012 fee filing, SR–EDGA–2012–39, EDGA proposed to amend the rate it charges its Members, such as DE Route, for orders that are routed to EDGA and add liquidity to $0.0006 per share. Therefore, the Exchange believes that the proposed change for Flag RA from a rebate of $0.0003 per share to a charge of $0.0006 per share is equitable and reasonable because it accounts for the pricing changes on EDGA. In addition, the proposal allows the Exchange to continue to charge its Members a pass-through rate for routing orders to EDGA via DE Route that add liquidity. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Similarly, for orders yielding Flag RR, EDGA currently charges its Members, such as DE Route, $0.0007 per share, which, in turn it passes through to the Exchange. The Exchange, in turn, charges its Members $0.0007 per share as a pass-through. In EDGA's September 1, 2012 fee filing, SR–EDGA–2012–39,

[6] The Exchange notes that the volume from these flags will count towards achieving the add liquidity ratio in Footnote 12 of the Exchange's fee schedule.

[7] The Exchange notes that the volume from Flag M counts toward the tier in Footnote 6, which changes the rate charged on Flag U.

[8] However, the Exchange notes that the volume from these flags will count towards the volume required to earn the rebates associated with the tiered pricing in Footnote 1; the rates for Flags HA and MM do not change.

[9] *See* Securities Exchange Act Release No. 67379 (July 10, 2012), 77 FR 41864 (July 16, 2012) (SR–EDGX–2012–26) (introducing Flag PR to the Exchange's fee schedule for orders that remove liquidity from the EDGX book using the ROUQ routing strategy).

[10] The ''add liquidity'' ratio is the ratio of the ''added'' flags/(''added'' flags + ''removal'' flags) × 100. If the resulting ratio is equal to or greater than 10%, the MPID qualifies for the lower rate.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

EDGA proposed to amend the rate it charges its Members for orders that are routed to EDGA using routing strategies IOCX or IOCT on EDGX and remove liquidity from EDGA to a rebate of $0.0004 per share. Therefore, the Exchange believes that the proposed change for Flag RR from a charge of $0.0007 per share to a rebate of $0.0004 per share is equitable and reasonable because it accounts for the pricing changes on EDGA. In addition, the proposal allows the Exchange to continue to charge its Members a pass-through rate for routing orders to EDGA using routing strategies IOCX or IOCT on EDGX and that remove liquidity from EDGA. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Exchange Rule 11.9(b)(3) defines the ''System routing table'' as the proprietary process for determining the specific trading venues to which the System [13] routes orders and the order in which the System routes to them. Specifically, the Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. The Exchange proposes to delete the CHX as a posting destination on the System routing table. The Exchange previously charged no fee nor assessed a rebate to its Members when DE Route routed to the CHX. This was a pass through by the Exchange of the no rebate/fee provided to DE Route by CHX when liquidity was added to CHX. Since CHX is no longer on the System routing table, the Exchange proposes to delete Flag RM from the Exchange's fee schedule. The Exchange notes that it will continue to comply with its obligations under Regulation NMS; however, it will not continue to offer Flag RM as a routing strategy to post liquidity to the CHX. Rather, the Exchange will now pass back Flag X ($0.0029 charge per share) as the standard default routing flag should an order be routed to CHX as a result of the Exchange's Regulation NMS obligations. The Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

The Exchange believes that its proposal to increase the rebate and modify the thresholds associated with the Mega Tier in Footnote 1, where the Exchange proposes to increase the rebate to $0.0035 per share for all liquidity posted on EDGX and to modify the volume thresholds for Members that add or route at least 2 million shares of ADV during pre and post-trading hours and add a minimum of 35 million shares of ADV on EDGX in total, represents an equitable allocation of reasonable dues, fees, and other charges because it incentivizes Members to add liquidity to the EDGX book. Furthermore, such increased volume increases potential revenue to the Exchange, and would allow the Exchange to spread its administrative and infrastructure costs over a greater number of shares, leading to lower per share costs. These lower per share costs in turn would allow the Exchange to pass on the savings to Members in the form of higher rebates and lower fees. The increased liquidity benefits all investors by deepening EDGX's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Volume-based rebates such as the one proposed herein have been widely adopted in the cash equities markets, and are equitable because they are open to all Members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery processes. In addition, the Exchange also believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange also believes that the rebate of $0.0035 per share and volume thresholds that require Members to add or route at least 2 million shares of ADV during pre and post-trading hours and to add a minimum of 35 million shares of ADV on EDGX in total also represent an equitable allocation of reasonable dues, fees, and other charges since higher rebates are directly correlated with more stringent criteria.

As proposed, the Mega Tier rebate of $0.0035 per share will continue to have the most stringent criteria associated with it, and Members will receive $0.0002 more per share than the next best tiered rebate, the Market Depth Tier ($0.0033 per share).

For example, in order for a Member to qualify for the Mega Tier rebate of $0.0035 per share, the Member would have to add or route at least 2 million shares of ADV during pre and post-trading hours and add a minimum of 35 million shares of ADV on EDGX in total, including during both market hours and pre and post-trading hours. The criteria for this tier is the most stringent as fewer Members generally trade during pre and post-trading hours because of the limited time parameters associated with these trading sessions, which generally results in less liquidity. In addition, the Exchange assigns a higher value to this resting liquidity because liquidity received prior to the regular trading session typically remains resident on the Exchange throughout the remainder of the entire trading day. Furthermore, liquidity received during pre and post-trading hours is an important contributor to price discovery and acts as an important indication of price for the market as a whole considering the relative illiquidity of the pre and post-trading hour sessions. The Exchange believes that offering a higher rebate incentivizes Members to provide liquidity during these trading sessions.

In order to qualify for the next best tier after the Mega Tier (at $0.0035), the Market Depth Tier, a Member would receive a rebate of $0.0033 per share for displayed liquidity added on EDGX if they post greater than or equal to 0.50% of the TCV in ADV on EDGX, at least 2 million shares of which are Non-Displayed Orders that yield Flag HA on EDGX in total. Assuming a TCV of 8 billion shares for July 2012, this would amount to 40 million shares, at least 2 million shares of which are Non-Displayed Orders. The criteria for this tier is less stringent then the proposed volume thresholds for the Mega Tier because Members must add a minimum of 35 million shares of ADV in addition to adding or routing at least 2 million shares of ADV during pre and post-trading hours to earn a rebate of $0.0035 per share. As discussed, the criteria for the Mega Tier is the most stringent as fewer Members generally trade during pre and post-trading hours because of the limited time parameters associated with these trading sessions, which generally results in less liquidity.

The Exchange believes that its proposal to discontinue the Tape B tiers described in Footnote 1 on the Exchange's fee schedule represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because the Exchange notes that the Tape B tiered pricing has not incentivized Members to add liquidity to the EDGX book since its inception in March 2012.[14] Because the Tape B tiers have not satisfied the justifications behind their creation, such as deepening EDGX's liquidity pool, offering

[13] *See* Exchange Rule 1.5(cc).

[14] *See* Securities Exchange Act Release No. 66558 (March 9, 2012), 77 FR 15432 (March 15, 2012) (SR–EDGX–2012–06).

additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection increasing volume, the Exchange proposes to discontinue the Tape B tiers and delete the corresponding text from its fee schedule. The Exchange notes that Members will be subject to the current tiered pricing structure on EDGX as a result, which is reasonable and equitable because more favorable rates are associated with more stringent criteria that are designed to incent increased volume. In addition, the Exchange also believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange's proposal to add language to the top of its fee schedule to state that it uses footnotes to provide further explanatory text, or where annotated to flags, to indicate variable rate changes, provided the conditions in the footnote are met, provides additional transparency to Members when reading the fee schedule. This is in line with the Exchange's proposal to delete Footnote 12 that is appended to Flags B, V, Y, 3, 4, HA and MM because a rate change is not signified; thus, the rates for Flags B, V, Y, 3, 4, HA and MM do not change where an MPID achieves an add liquidity ratio equal to or greater than 10%. Similarly, the Exchange's proposal to delete footnote 6 that is appended to Flag M also signifies that a rate change is not signaled on Flag M. The Exchange believes these amendments support the Exchange's efforts to achieve consistent application among the flags on the fee schedule. In addition, these amendments support the Exchange's efforts to annotate flags with footnotes to signify a potential rate change, rather than annotating every flag to denote which flags contribute towards the volume threshold and/or conditions necessary to achieve a potential rate change. The Exchange also believes that these proposed amendments are non-discriminatory because they apply to all Members.

The Exchange's deletion of Footnote 1 that is appended to Flags HA and MM in order to specify that these non-displayed order types would not be eligible for the increased rebates for displayed orders in the tiers in Footnote 1 of the fee schedule is reasonable and equitable since non-displayed liquidity is not often eligible for the same rebates that displayed liquidity qualifies for because the Exchange places a higher value on displayed liquidity because displayed liquidity is a public good that benefits investors and traders generally by providing greater price transparency and enhancing public price discovery, which ultimately lead to substantial reductions in transaction costs.[15] The proposed change is non-discriminatory because it applies uniformly to all Members.

The Exchange also proposes to amend the text of Footnote 12 to include Flag PR, where Flag PR removes liquidity from EDGX book using the ROUQ routing strategy, as part of the ''removal flags.'' [16] The Exchange notes that the liquidity ratio is intended to capture the PR removal flag as one of several removal flags in the calculation of the ''add liquidity'' ratio. The Exchange believes this amendment supports the Exchange's efforts to achieve consistent application and specificity among the flags on the fee schedule and provide transparency for its Members. In SR–EDGX–2011–31, the Exchange included ''removal flags'' in its calculation of the ''add liquidity'' ratio.[17] Since Flag PR is a removal flag, the Exchange believes it is appropriate to include the removal volume from Flag PR in its calculation of the ''add liquidity'' ratio. The Exchange also believes that these proposed amendments are non-discriminatory because they apply to all Members.

The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

[15] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37516 (June 29, 2005); *See also* Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577, 10584 n. 53 (February 28, 2000) (SR–NYSE–99–48) (citing academic studies finding that the required display of customer limit orders, by providing greater price transparency and enhancing public price discovery, led to substantial reductions in transaction costs for both retail and institutional investors).

[16] *See* Securities Exchange Act Release No. 65541 (October 12, 2011), 76 FR 64409 (October 18, 2011) (SR–EDGX–2011–31).

[17] *Id.*

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [18] and Rule 19b–4(f)(2) [19] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2012–39 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–EDGX–2012–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–EDGX–2012–39 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22643 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67812; File No. SR–NYSE–2012–29]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Approving Proposed Rule Change Amending NYSE Rule 76 To Add Supplementary Material Relating to a Cross Function That Provides a Regulation NMS Rule 611—Compliant Tool for Floor Brokers

September 10, 2012.

I. Introduction

On July 13, 2012, New York Stock Exchange LLC (''Exchange'' or ''NYSE '') 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 amending NYSE Rule 76 to add supplementary material to provide Floor Brokers with a new functionality through which to effect manual cross transactions of block size. The proposed rule change was published for comment in the **Federal Register** on July 27, 2012.[3] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Description of the Proposal

Currently, the Floor Broker and Designated Market Maker (''DMM''), after announcing a proposed cross transaction to the trading crowd,[4] must manually monitor the protected best bid or offer to ensure that the proposed cross can be executed in accordance with the customer's instructions and in compliance with Rule 611 of Regulation NMS (''Rule 611'').[5] The Exchange contends that, in today's fast-moving electronic markets, this manual monitoring process may not be the optimal manner by which to facilitate and evidence compliance with Rule 611.

Accordingly, the Exchange proposes to add a new Supplementary Material to NYSE Rule 76.[6] The proposed Supplementary Material would allow Floor Brokers to enter a cross transaction into their hand held device (''HHD''); the Exchange would provide a quote minder function that would monitor protected bids and offers to determine when the limit price assigned to the proposed crossed transaction is such that the orders may be executed consistent with Regulation NMS Rule 611.

When the trade can be effected at or between the protected bid and offer, the Exchange-provided quote minder will: (i) Deliver an alert message to the Floor Broker's HHD indicating that the orders may be crossed; (ii) capture a time-stamped quote within Exchange systems that includes the time that the alert was sent to the HHD and the protected bid and offer at that time; (iii) commence a 20-second timer from the moment a cross trade may be executed at or between the protected and bid offer; and (iv) enable a print key function in the HHD permitting the Floor Broker to cross the orders and print the trade through Exchange systems to the Tape within that 20-second time period.

When the Floor Broker receives the alert message mentioned above, the Floor Broker must first announce the proposed cross transaction to the trading crowd; if the crowd or the DMM does not break up the proposed cross trade, the Floor Broker may then execute the trade using the print key function of the HHD before the expiration of the 20-second time period.

The proposed Supplementary Material would require the proposed cross transaction to consist of at least 10,000 shares or a quantity of stock having a market value of $200,000 or more. Further, the proposed cross transaction may not be for the account of the member or member organization, an account of an associated person, or an account with respect to which the member, member organization or associated person exercises investment discretion. The Exchange has represented that this restriction would help ensure that the functionality would not be used for affiliated principal order flow.

III. Discussion and Commission Findings

After careful review, 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.[7] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[8] in that it is designed to foster cooperation and coordination with persons engaged in regulating,

[3] *See* Securities Exchange Act Release No. 67488 (July 23, 2012), 77 FR 44302 (''Notice'').

[4] According to the Exchange, a DMM, on behalf of a Floor Broker, will enter a cross transaction into the Exchange's Display Book system as a completed transaction in situations where no one in the trading crowd otherwise breaks up a proposed cross. The completed transaction is printed to the consolidated tape (''Tape'') at that price.

[5] 17 CFR 242.611. Commission staff has issued guidance pertaining to the manual execution of orders under staff FAQ 3.23 of Rule 611 (''FAQ 3.23'').

[6] NYSE Rule 76 governs the execution of ''cross'' or ''crossing'' orders by Floor Brokers. NYSE Rule 76 applies only to manual transactions executed at the point of sale on the trading floor and provides that when a member has an order to buy and an order to sell the same security that can be crossed at the same price, the member is required to announce to the trading crowd the proposed cross by offering the security at a price that is higher than his or her bid by a minimum variation permitted in the security before crossing the orders. Any other member, including the Designated Market Maker (''DMM''), can break up the announced bid and offer by trading with either side of the proposed cross transaction. According to the Exchange, an agency ''cross'' of 10,000 shares or more at or between the Exchange best bid or offer has priority and can only be broken up to provide price improvement that is better than the cross price as to all or part of such bid or offer. A buy and sell order to be crossed pursuant to NYSE Rule 72(d) is subject to Rule 76, including the requirement that such a proposed cross be announced to the crowd. *See* Notice, supra note 3 at 44302; *see also,* NYSE Rule 72(d).

[7] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission finds that the proposed Supplementary Material to NYSE Rule 76 removes impediments to and perfects the mechanism of a free and open market because the proposed cross functionality is reasonably designed to assist Floor Brokers' ability to cross orders on the Exchange, particularly if there is significant quote traffic with flickering prices, while facilitating compliance with the trade-through restrictions of Rule 611. Given the rapid quotation changes in today's electronic markets, the Commission believes that it is reasonable to allow Floor Brokers a 20-second look-back period in which to manually execute the cross transaction without violating the trade-through rule. The Commission also notes that the proposal does not otherwise change the operation of Rule 76. For example, the Floor Broker is still required to expose the proposed cross transaction to the trading crowd, and the proposed cross transaction may be broken up by members by trading with either side of the proposed transaction during the 20-second time period.

The Commission further notes that the proposal would bring more automation to the Exchange, which could support more efficient executions of the cross transactions. Moreover, because the transaction terms will be captured in an automated system, the proposed cross functionality is reasonably designed to provide a better audit trail for manually crossed orders, which may facilitate review of Floor Broker transactions for purposes of compliance with Rule 611.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NYSE–2012–29) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22637 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67814; File No. SR–NYSE–2012–41]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the New York Stock Exchange LLC Price List To Make Changes to Certain Transaction Fees To Eliminate the Step-Up Rate for Non-Floor Broker Transactions

September 10, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on August 31, 2012, New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make changes to certain transaction fees within its Price List to eliminate the step-up rate for non-Floor broker transactions. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make changes to certain transaction fees within its Price List to eliminate the step-up rate for non-Floor broker transactions. The Exchange proposes to make the rule change operative on September 1, 2012.

Member organizations are currently charged $0.0023 per share for all non-Floor broker transactions (i.e., when taking liquidity from the NYSE) that are not otherwise specified in the Price List. In addition, non-Floor broker member organizations that add specified amounts of liquidity to the NYSE above their normal amount (''step-up'') are charged a lower rate of $0.0022 per share per transaction. The lower rate applies to non-Floor broker member organizations if the member organization's ADV adds liquidity to the NYSE during the billing month (''Adding ADV'')[3] that is at least the greater of (i) the member organization's January 2012 Adding ADV (''Baseline ADV'') plus 0.075% of consolidated average daily volume in NYSE-listed securities during the billing month (''NYSE CADV'') or (ii) the member organization's Baseline ADV plus 20%. Additionally, if a member organization's ratio of Baseline ADV-to-total ADV during January 2012 is less than 10%, this rate only applies to the member organization's shares that are executed in an amount up to and including 0.75% of NYSE CADV. The rate of $0.0023 per-share applies to the member organization's remaining shares that are executed, unless the member organization's Adding ADV is greater than its Baseline ADV by at least 0.25% of NYSE CADV.

The Exchange proposes to eliminate this step-up rate so that member organizations are charged $0.0023 per share for all non-Floor broker transactions that are not otherwise specified in the Price List, regardless of the level of adding liquidity.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(4)

[3] With respect to this lower rate, calculations of Adding ADV exclude early closing days as well as any liquidity added by a Designated Market Maker.

[4] 15 U.S.C. 78f(b).

of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed rule change is reasonable, equitable and not unfairly discriminatory because it would streamline the Price List with respect to determining the particular credit applicable to non-Floor broker transactions that are not otherwise specified in the Price List. Specifically, the Exchange believes that eliminating the step-up rate would simplify the method by which member organizations are charged for non-Floor broker transactions. In addition, the criteria for non-Floor broker transactions are transparent and quantitative. The Exchange also believes that eliminating the step-up rate is reasonable because member organizations will be charged the same fee that was previously charged by Exchange for all transactions that are not otherwise specified in the Price List.[6] The Exchange believes that the proposed rule change is reasonable because eliminating the step-up rate would remove a pricing tier from the Price List that member organizations have generally not utilized. The Exchange believes it is reasonable, equitable, and not unfairly discriminatory to charge $0.0023 for non-Floor broker transactions that take liquidity and $0.0022 for Floor broker transactions that take liquidity, because Floor brokers have slower access to the Exchange via handheld technology, and Floor brokers are prohibited from routing directly to other market centers from handheld devices, which prevents them from accessing any associated pricing opportunities that might exist at those away markets.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[7] of the Act and subparagraph (f)(2) of Rule 19b–4[8] thereunder, because it establishes a due, fee, or other charge imposed by the NYSE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2012–41 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–NYSE–2012–41. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 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–NYSE–2012–41 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22639 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b)(4).

[6] *See* Securities Exchange Act Release No. 63642 (January 4, 2011), 76 FR 1653 (January 11, 2011) (SR–NYSE–2010–87).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67817; File No. SR–EDGA–2012–39]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

September 10, 2012.

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 August 30, 2012 the EDGA Exchange, Inc. (the ''Exchange'' or the ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGA Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGA Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of 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, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

With respect to the category of securities priced at or above $1.00, when Members add liquidity, the Exchange currently offers a rebate of $0.0003 per share. Alternatively, when Members remove liquidity, the Exchange currently charges a fee of $0.0007 per share. The Exchange proposes to amend the fee structure (and related flags) set forth in the fee schedule to charge Members a fee of $0.0006 per share for orders that add liquidity and to offer Members a rebate of $0.0004 per share for orders that remove liquidity.

The Exchange proposes to codify at the top of its fee schedule the premise that it uses footnotes to provide further explanatory text or, where annotated to flags, to indicate variable rate changes, provided the conditions in the footnote are met. In connection with this premise, the Exchange proposes to delete Footnote 6 that is appended to Flag M to also signify that a rate change is not signaled.[4] In addition, the Exchange proposes to delete Footnote 17 from Flag PA since a rate change is not indicated.[5]

The Exchange proposes to make conforming changes to the relevant flags, as described below, for orders that add liquidity to the EDGA book. Specifically, the Exchange proposes to assess a charge of $0.0006 per share for orders that add liquidity and yield the following flags: Flag B for orders that add liquidity to the EDGA book in Tape B securities; Flag V for orders that add liquidity to the EDGA book in Tape A securities; Flag Y for orders that add liquidity to the EDGA book in Tape C securities; Flag 3 for orders that add liquidity in the pre- and post-market trading sessions in Tapes A and C securities; and Flag 4 for orders that add liquidity in the pre- and post-market trading sessions in Tape B securities.

Similarly, the Exchange proposes to make conforming changes to the relevant flags, as described below, for orders that remove liquidity from the EDGA book. Specifically, the Exchange proposes to offer a rebate of $0.0004 per share for orders that remove liquidity and yield the following flags: Flag N for orders that remove liquidity from the EDGA book in Tape C securities; Flag W for orders that remove liquidity from the EDGA book in Tape A securities; Flag 6 for orders that remove liquidity in the pre- and post-market trading sessions in securities on all Tapes; Flag BB for orders that remove liquidity from the EDGA book in Tape B securities; and Flag XR for orders that remove liquidity from EDGA using eligible routing strategies.

The Exchange also proposes to modify the charges assessed for the flags associated with internalization, which occurs when the one Member presents two orders to the Exchange separately and not in a paired manner, and one order is inadvertently matched with the other order.[6] Accordingly, for Flags EA and ER, the Exchange proposes to decrease the fee assessed from $0.0002 per share to $0.0001 per share for orders that add or remove liquidity through internalization. Similarly, for Flag 5, the Exchange proposes to decrease the fee assessed from $0.0002 per share to $0.0001 per share for internalization, pre-and post-market, per side.

The Exchange proposes to offer Members a rebate of $0.0004 per share for Flag CR for orders that remove liquidity from EDGA using eligible routing strategies. The Exchange formerly did not assess a charge for Flag CR.

The Exchange proposes to offer Members a rebate of $0.0004 per share for Flag PR for orders that remove liquidity from EDGA using eligible routing strategies. The Exchange formerly did not assess a charge for Flag PR.

The Exchange proposes to charge Members a fee of $0.0008 per share for Flag PA for orders that add liquidity using the Mid Point Routing Strategy (''RMPT''). The Exchange formerly did not assess a charge for Flag PA.

The Exchange proposes to delete Flag RM from the fee schedule. Accordingly, Members that route to the Chicago Stock Exchange (the ''CHX'') will be assessed the default charge for routing liquidity of $0.0029 per share as represented by Flag X.

Currently, the first paragraph of Footnote 4 on the Exchange's fee schedule provides for a rebate of $0.0004 per share for Flags B, V, Y, 3 and 4 if a Member, on a daily basis, measured monthly, posts more than 1% of the Total Consolidated Volume (''TCV'') in Average Daily Volume (''ADV'') on EDGA, including non-displayed orders that add liquidity. The Exchange proposes to assess a charge of $0.0005 per share. The proposed change represents a slightly lower charge (by $0.0001) if a Member meets the requirements of the first paragraph of Footnote 4 on the Exchange's fee schedule. The lower charge (by $0.0001) corresponds to the $0.0001 higher rebate on the current EDGA fee schedule if a tier is met and results from the Exchange's shift from a ''maker/taker'' model to a ''taker/maker'' model. Thus, Members will now be assessed a slightly lower charge instead of a slightly higher rebate for meeting the conditions in the first paragraph of Footnote 4.

Currently, the second paragraph of Footnote 4 on the Exchange's fee schedule provides for a rebate of $0.0004 per share if a Member, on a daily basis, measured monthly, posts more than .25% of the TCV in average daily volume on EDGA. The Exchange proposes to assess a charge of $0.0005 per share. The proposed change represents a slightly lower charge (by $0.0001) if a Member meets the requirements of the second paragraph of Footnote 4 on the Exchange's fee schedule. The lower charge (by $0.0001)

[3] As defined in Exchange Rule 1.5(n).

[4] The Exchange notes that the volume from Flag M counts toward the tier in Footnote 6, which changes the rate charged on Flag U.

[5] The Exchange notes that the volume from Flag PA counts toward the tier in Footnote 17, which changes the rate charged on Flags PT and PX.

[6] *See* Exchange Rule 12.2 regarding fictitious trading.

corresponds to the $0.0001 higher rebate on the current EDGA fee schedule if a tier is met and results from the Exchange's shift from a ''maker/taker'' model to a ''taker/maker'' model. Thus, Members will now be assessed a slightly lower charge instead of a slightly higher rebate for meeting the conditions in the second paragraph of Footnote 4.

The Exchange proposes to append Footnote 7 to Flag C, where a Member posts an average daily volume of 25,000 shares to NASDAQ OMX BX, Inc. (the ''BX''), which yields Flag RB, then the Exchange will increase the Member's rebate from $0.0005 per share to $0.0014 per share. The Exchange notes that this is a pass-through of the rebate that BX offers to its customers that remove greater than 25,000 shares of liquidity per day on its exchange.[7]

The Exchange proposes to delete, in its entirety, Footnote 18 on the Exchange's fee schedule. Footnote 18 states that a Member may qualify for a rebate of $0.0005 per share on their displayed shares (Flags B, V, Y, 3 and 4) for liquidity added to EDGA if a Member, on a daily basis, measured monthly, posts at least 0.10% of the TCV in ADV more than their July 2012 ADV added to EDGA. Accordingly, the Exchange proposes to delete Footnote 18 that is appended to Flags B, V, Y, 3 and 4.

The Exchange proposes to implement these amendments to its fee schedule on September 1, 2012.

Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the objectives of Section 6 of the Act,[8] in general, and furthers the objectives of Section 6(b)(4),[9] in particular, as the proposed rule changes are designed to provide for the equitable allocation of reasonable dues, fees and other charges among the Exchange's Members and other persons using its facilities.

The Exchange believes that its proposal to amend the fee structure (and related add Flags B, V, Y, 3 and 4, and remove Flags N, W, 6, BB and XR) set forth in the fee schedule to charge Members a fee of $0.0006 per share for orders that add liquidity and to offer Members a rebate of $0.0004 per share for orders that remove liquidity represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because it allows the Exchange to compete with other market centers. Accordingly, as the Exchange shifts from a ''maker/taker'' model to a ''taker/maker'' model, the Exchange believes it will incentivize its Members to remove liquidity from the Exchange.[10] By further incentivizing removers of liquidity by offering higher rebates, the Exchange believes it will attract a higher quality of marketable liquidity to the Exchange. This will incent liquidity providers to add liquidity to the Exchange and thus contribute to price discovery. In addition, the Exchange believes a spread of $0.0002 per share between adding and removing liquidity represents an equitable allocation of reasonable dues, fees, and other charges because it is competitive with other exchanges' spreads for adding and removing liquidity.[11] Furthermore, the Exchange will use the revenue generated from the spread of $0.0002 per share to offset its administrative and infrastructure costs associated with operating a national securities exchange. Lastly, the Exchange believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange believes that its proposal to modify the fees assessed for the internalization flags (Flags EA, ER and 5) to $0.0001 per share, per side, represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because it is consistent with the Exchange's proposed taker/maker spread of $0.0002 per share for adding and removing liquidity (the proposed charge for adding liquidity is $0.0006 per share and the proposed rebate for removing liquidity is $0.0004 per share).[12] Therefore, the total net amount equals $0.0002 per share, which represents an internalization rate that is not more favorable than the prevailing taker/maker spread of $0.0002 per share. In addition, EDGA also has a proposed tiered rate in Footnote 4 for adding liquidity of $0.0005 per share, which yields a spread of $0.0001 per share for Members that achieve the tiered pricing. Members who internalize will be charged $0.0001 per side of an execution (total of $0.0002 per share) which is not more favorable than the taker/maker spread for capturing the proposed tiered rate. Lastly, the Exchange believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange believes that its proposal to offer a rebate of $0.0004 per share for Flags CR and PR represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because the proposed change will result in a consistent rebate of $0.0004 for all flags that remove liquidity from the EDGA book. Lastly, the Exchange believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange believes that its proposal to assess a charge of $0.0008 per share for orders that yield Flag PA, which describes a type of non-displayed order that adds liquidity using RMPT, represents an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities because a rate of $0.0008 per share is within the range of the prevailing rates for other forms of non-displayed order types that add liquidity (*e.g.,* the Exchange assesses a charge of $0.0010 per share for Flags HA and HR), but more than the default charge of $0.0006 per share for adding displayed liquidity on EDGA. In addition, the Exchange believes that its proposed rate of $0.0008 per share for Flag PA is consistent with the Exchange's overall pricing philosophy of encouraging displayed liquidity. The Exchange rewards Members for displaying liquidity because displayed liquidity is a public good that benefits investors and traders generally by providing greater price transparency and enhancing public price discovery, which ultimately lead to substantial reductions in transaction costs.[13]

[7] *See* NASDAQ OMX BX Price List—Trading and Connectivity, *http://www.nasdaqtrader.com/Trader.aspx?id=bx_pricing.*

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

[10] As a result of the shift from ''maker/taker'' to ''taker/maker'' model, the Exchange notes that Flag DM remains at $0.0005 per share compared to the displayed liquidity charge of $0.0006 for liquidity providers. The Exchange believes that this result is reasonable, equitable and non-discriminatory because in a taker/maker model, it is more valuable to have a higher order book priority in order to more likely interact with a liquidity remover and obtain a quicker execution. Therefore, orders that have a higher priority in the order book (displayed orders) will be charged more than orders of lower priority (e.g., Flag DM).

[11] *See* BATS BYX Exchange Fee Schedule where the spread between adding displayed liquidity and removing liquidity is $0.0001 per share, *http://batstrading.com/resources/regulation/rule_book/BYX_Fee_Schedule.pdf.*

[12] See Securities Exchange Release No. 64393 (May 4, 2011), 76 FR 27370 (May 11, 2011) (SR-EDGA–2011–14) (describing the Exchange's representation that it will continue to ensure that the internalization fee is no more favorable than each prevailing maker/taker spread).

[13] See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37516 (June 29, 2005); see also Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577, 10584 n. 53 (February 28, 2000) (SR-NYSE–99–48) (citing academic studies finding that the required display

Furthermore, compared to Flag HA (charge of $0.0010 per share), routing an order to more destinations using Flag PA can lead to a potentially lower average rate for Direct Edge ECN LLC d/b/a DE Route (''DE Route''), the Exchange's affiliated routing broker/dealer, as there is more of a likelihood of an execution at a ''low'' cost destination with higher rebates/lower fees. Accordingly, because the RMPT routing strategy routes to and accesses a variety of low cost destinations, the Exchange is able to pass back much of the cost savings it receives from routing to other destinations (via DE Route) to Members in the form of lower hidden order charges compared to Flag HA. Lastly, the Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

Exchange Rule 11.9(b)(3) defines the ''System routing table'' as the proprietary process for determining the specific trading venues to which the System [14] routes orders and the order in which the System routes to them. Specifically, the Exchange reserves the right to maintain a different System routing table for different routing options and to modify the System routing table at any time without notice. The Exchange proposes to delete the CHX as a posting destination on the System routing table. The Exchange previously charged no fee nor assessed a rebate to its Members when DE Route routed to the CHX. This was a pass through by the Exchange of the no rebate/fee provided to DE Route by CHX when liquidity was added to CHX. Since the CHX is no longer on the System routing table, the Exchange proposes to delete Flag RM from the Exchange's fee schedule. The Exchange notes that it will continue to comply with its obligations under Regulation NMS; however, it will not continue to offer Flag RM as a routing strategy to post liquidity to the CHX. Rather, the Exchange will now pass back Flag X as the standard default routing flag should an order be routed to the CHX as a result of the Exchange's Regulation NMS obligations. The Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

The Exchange believes that its proposal to replace the rebate of $0.0004 per share with a charge of $0.0005 per share for posting liquidity to EDGA as it relates to the calculation of TCV in both paragraphs of Footnote 4 on the Exchange's fee schedule represents an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities because the proposed change represents a slightly lower charge (by $0.0001) compared to the default charge for adding liquidity (of $0.0006) if a Member meets the requirements of the first or second paragraphs of Footnote 4 on the Exchange's fee schedule. The lower charge (by $0.0001) corresponds to the $0.0001 higher rebate on the current schedule if a tier is met and results from the Exchange's shift from a ''maker/taker'' model to a ''taker/maker'' model. Thus, Members will now be assessed a slightly lower charge instead of a slightly higher rebate for meeting the conditions in the first or second paragraphs of Footnote 4.

The Exchange also believes that charging Members a lower rate for achieving volume tiers in Footnote 4 will incentivize liquidity. Such increased volumes increase potential revenue to the Exchange, and allows the Exchange to spread its administrative and infrastructure costs over a greater number of shares, which results in lower per share costs. The Exchange may then pass on these savings to Members in the form of lower charges. The increased liquidity also benefits all investors by deepening EDGA's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. Volume-based discounts such as these have been widely adopted in the cash equities markets, and are equitable because volume-based discounts are open to all Members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Lastly, the Exchange believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

The Exchange believes that its proposal to offer its Members a higher rebate for Flag C where Members achieve a volume threshold on the BX [15] represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because the Exchange passes through to Members the higher rebate that the Exchange earns through DE Route, the Exchange's routing broker-dealer. The Exchange believes that it is equitable and reasonable to pass through rates and rebates for orders routed to other exchanges to its Members. The Exchange also notes that routing through DE Route is voluntary. In addition, volume-based rebates such as these have been widely adopted in the cash equities markets, and are equitable because volume-based rebates are open to all Members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery process. Lastly, the Exchange also believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

In addition, the proposal to annotate footnote 7 to Flag C, delete Footnote 17 from Flag PA and delete Footnote 6 from Flag M is consistent with the Exchange's proposal to add language to the top of its fee schedule to state that it uses footnotes to provide further explanatory text, or where annotated to flags, to indicate variable rate changes, provided the conditions in the footnote are met. This provides additional transparency to Members when reading the fee schedule. The Exchange believes this amendment supports the Exchange's efforts to achieve consistent application among the flags on the fee schedule. In addition, these amendments support the Exchange's efforts to annotate flags with footnotes to signify a potential rate change, rather than annotating every flag to denote which flags contribute towards the volume threshold and/or conditions necessary to achieve a potential rate change. The Exchange also believes that these proposed amendments are non-discriminatory because they apply to all Members.

The Exchange believes that its proposal to delete Footnote 18 on the Exchange's fee schedule represents an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities because it is consistent with the Exchange's shift from a ''maker/taker'' model to a ''taker/maker'' model. The Exchange introduced the Step Up tier to reward higher liquidity provision

of customer limit orders, by providing greater price transparency and enhancing public price discovery, led to substantial reductions in transaction costs for both retail and institutional investors).

[14] See Exchange Rule 1.5(cc).

[15] *See* NASDAQ OMX BX Price List—Trading & Connectivity, *http://nasdaqtrader.com/Trader.aspx?id=bx_pricing* (providing for a rebate of $0.0014 per share for MPIDs removing greater than 3.5 million shares per day or adding greater than 25,000 shares per day).

commitments by Members.[16] Accordingly, it appears contradictory to incentivize removing liquidity and simultaneously offer tiered savings for adding liquidity beyond a designated threshold each month. The Exchange's proposal to delete Footnote 18 supports the Exchange's efforts to achieve consistent application among the flags and tiers on the fee schedule and provide transparency for its Members. Lastly, the Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [17] and Rule 19b–4(f)(2) [18] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov. Please include File Number* SR–EDGA–2012–39 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–EDGA–2012–39. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–EDGA–2012–39 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22642 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[16] *See* Securities Exchange Act Release No. 67607 (August 7, 2012), 77 FR 48188 (August 13, 2012) (SR–EDGA–2012–35) (introducing the Step Up Tier).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67819; File No. SR–EDGA–2012–40]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGA Exchange, Inc. Fee Schedule

September 10, 2012.

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 August 31, 2012 the EDGA Exchange, Inc. (the ''Exchange'' or the ''EDGA'') 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 change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGA Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGA Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of 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, 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in Exchange Rule 1.5(n).

the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to discontinue the Message Efficiency Incentive Program (the ''MEIP'') [4] and to delete the reference to the MEIP in Footnote c, which is appended to the rebate for adding liquidity in securities at or above $1.00 on the Exchange's fee schedule. Under the MEIP, Members received standard rebates and tier rebates as provided on the Exchange's fee schedule based upon the Member's average inbound message-to-trade ratio for that month being equal to or less than 100:1. Members could receive the maximum rebate of $0.0003 per share if their average inbound message-to-trade ratio, measured monthly, was equal to or less than 100:1, subject to applicable rebate tiers.[5] Where a Member exceeded the 100:1 message-to-trade ratio, measured monthly, the Exchange reduced its rebates by $0.0001 per share, without regard to the rebate tier for which the Member qualified that month. In addition, under the MEIP, the following Members were exempt from earning the rebate: (i) All Members that sent less than 1,000,000 messages per day to the Exchange; and (ii) registered Market Makers provided that they were registered in at least 100 securities on the Exchange over the course of a month and met their continuous, two-sided quoting obligations under Exchange Rule 11.21(d) on at least ten (10) consecutive trading days in the month. The Exchange proposes to discontinue the $0.0001 per share reduction in standard rebates and tier rebates that the Exchange applied to Members that exceeded an average inbound message-to-trade ratio of 100:1, measured monthly.

The Exchange proposes to implement these amendments to its fee schedule on September 1, 2012.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4) [7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

In its original filing introducing the MEIP, the Exchange stated that it was establishing the MEIP in order to promote a more efficient marketplace, to encourage liquidity provision and to enhance the trading experience of Members on an ongoing basis.[8] Having implemented the MEIP for the period since its launch, the Exchange has not seen these benefits, and thus believes that discontinuation of the MEIP is appropriate at this time. Specifically, the Exchange believes that, by not adequately isolating purely inefficient message flow, the MEIP may have unintentionally captured, and therefore disincentivized, order behavior that benefits market liquidity. For example, the MEIP potentially discourages market participants from posting multiple levels of liquidity in less actively traded securities. Thus, while the Exchange's intention was to encourage efficiency and consequently attract more liquidity, the MEIP appears to have resulted in the opposite effect.

The Exchange believes its proposal to discontinue the MEIP is equitable because it allows Members the freedom to manage their order and message flow consistently with their business models. In addition, the Exchange believes its proposal is reasonable because other exchanges, *e.g.,* BATS Exchange, Inc., maintain pricing models that are designed to incentivize customers to increase liquidity, without any restriction on order activity that applied under the MEIP. By discontinuing the MEIP, the Exchange believes that it will remain competitive with other exchanges that do not offer reductions in standard rebates and/or tier rebates based on customers' message efficiency. The Exchange believes that the proposal is equitable and non-discriminatory in that it applies uniformly to all Members.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to encourage market participants to direct their order flow to the Exchange, or at least not to discourage the direction of order flow to the Exchange. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [9] and Rule 19b–4(f)(2) [10] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2012–40 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.

[4] *See* Securities Exchange Act Release No. 67160 (June 7, 2012), 77 FR 35450 (June 13, 2012) (SR–EDGA–2012–19) (where the Exchange introduced the MEIP).

[5] The Commission notes that the Exchange filed a proposed rule change to modify the maximum rebate of $0.0003 per share as of September 1, 2012. *See* SR–EDGA–2012–39.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] *See* Securities Exchange Act Release No. 67160 (June 7, 2012), 77 FR 35450 (June 13, 2012) (SR–EDGA–2012–19).

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

[10] 17 CFR 240.19b–4(f)(2).

All submissions should refer to File Number SR–EDGA–2012–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 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–EDGA–2012–40 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22644 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67815; File No. SR–NYSE–2012–46]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete Non-Operable Text Within Its Price List Applicable to Supplemental Liquidity Providers (''SLPs'')

September 10, 2012.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on September 5, 2012, New York Stock Exchange LLC (the ''Exchange'' or ''NYSE'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete non-operable text within its Price List applicable to Supplemental Liquidity Providers (''SLPs''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to delete non-operable text within its Price List applicable to SLPs.

On August 28, 2012, the Exchange filed a rule proposal to (i) amend NYSE Rule 107B to change the existing SLP monthly volume requirement in all assigned SLP securities from an average daily volume (''ADV'') of more than 10 million shares to an ADV that is a specified percentage of consolidated ADV (''CADV'') in all NYSE-listed securities (''NYSE CADV'') and (ii) amend the Exchange's Price List to specify the applicable percentage of NYSE CADV for the monthly volume requirement. In particular, the Exchange deleted from the Price List the requirement that SLPs add liquidity of an ADV of more than 10 million shares, and replaced it with a requirement that SLPs add liquidity in all assigned SLP securities of an ADV of more than 0.22% of NYSE CADV. These rule changes became operative on September 1, 2012.[3]

The Exchange proposes this rule filing to delete text that was inadvertently kept in the Price List that states that the monthly volume requirement is based on adding liquidity of an ADV of more than 10 million shares. In particular, the Exchange proposes to delete the following text from the Price List: ''of an ADV of more than 10 million shares.'' As a result of this proposed change, the Price List will now accurately reflect that the monthly volume requirement to receive the credit per share—per transaction—for SLPs, both for securities with a per share price of $1.00 or more and for securities with a per share price of less than $1.00, is to add liquidity in all assigned SLP securities of an ADV of more than 0.22% of NYSE CADV. The Exchange further proposes to amend footnote 8 to the Price List to conform to the changes that are operative relating to how the monthly volume requirement is calculated.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(4) of the Act,[5] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In particular, the Exchange believes that the rule proposal meets these requirements because it provides transparency in the Price List by deleting text that is no longer operable and assures that the Price List accurately reflects how the credits per transaction are calculated for the monthly volume requirement, as amended, by deleting the text that is no longer operable and revising footnote 8.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67759 (Aug. 30, 2012) 77 FR 54939 (Sep. 6, 2012) (SR–NYSE–2012–38).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

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 is effective upon filing pursuant to Section 19(b)(3)(A) [6] of the Act and subparagraph (f)(2) of Rule 19b–4 [7] thereunder, because it establishes a due, fee, or other charge imposed by NYSE.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2012–46 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–NYSE–2012–46. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–NYSE–2012–46 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22640 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67813; File No. SR–CBOE–2012–083]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Availability of a Data Product That Includes Option Valuations Through Market Data Express, LLC, an Affiliate of CBOE

September 10, 2012.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 28, 2012, the Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') 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 the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make available, through its affiliate Market Data Express, LLC (''MDX''), a data product that includes option valuations. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), 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, 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make available, through MDX, a new market data product, referred to as the CBOE Customized Option Valuation Service (the ''Service''). The Service would provide subscribers with an ''end-of-day'' file [4] of valuations for Flexible Exchange (''FLEX'') [5] options and certain over-the-counter (''OTC'') options (the ''Data''). The Data would be available for internal use and distribution by subscribers. MDX would offer the Data for sale to CBOE Trading Permit Holders (''TPHs'') and non-TPHs.

The Data would consist of indicative [6] values for three categories of ''customized'' options. The first category of options is all open series of FLEX options listed on any exchange that

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] An end of day file refers to data that is distributed prior to the opening of the next trading day.

[5] FLEX options are exchange traded options that provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices.

[6] ''Indicative'' values are indications of potential market prices only and as such are neither firm nor the basis for a transaction.

offers FLEX options for trading.[7] The second category is OTC options that have the same degree of customization as FLEX options. The third category includes options with strike prices expressed in percentage terms. Values for such options would be expressed in percentage terms and would be theoretical values.[8]

A small number of market data vendors produce option value data that is similar to the Data.[9] The Options Clearing Corporation (''OCC'') also produces FLEX option value data that is similar to the FLEX option value data that would be included in the Service.[10] These vendors and the OCC use model-driven processes to produce their data. Instead of using a model-driven process, CBOE would use values produced by CBOE registered market-makers to produce the Data. Participating CBOE market-makers would submit values to MDX on options series specified by MDX on a daily basis. These values would be generated by the market-maker's internal pricing models. The valuations that MDX would ultimately publish would be an average of multiple contributions of values from participating CBOE market-makers. For each value provided by MDX through the Service, MDX would include a corresponding indication of the number of market-maker contributors that factored into that value.[11]

CBOE market-makers that meet the following objective qualification criteria would be allowed to contribute values to MDX for purposes of producing Data for the Service. Interested CBOE market-makers must be approved by the Exchange, have the ability to provide daily valuations to MDX in a timely manner each day after the close of trading, and sign a services agreement with CBOE.[12] Interested CBOE market-makers must also have the ability to provide valuations on several different types of options, including (i) Options on all open FLEX series traded on any exchange that offers FLEX options for trading, (ii) options on any potential new FLEX options series, (iii) OTC options that have the same degree of customization as FLEX options, and (iv) customized options where the strike price is expressed in percentage terms (the valuations provided to MDX must also be expressed in percentage terms). In addition, interested CBOE market-makers must participate in a testing phase with MDX. The values submitted by a market-maker during the testing phase and in live production must meet MDX's quality control standards designed to ensure the integrity and accuracy of the Data. MDX would implement procedures including monthly performance reviews and removal of outlier values in certain instances to help ensure the integrity and accuracy of the Data. MDX would not commence the Service with less than three market-makers committed to provide values for the Service.

In order to help ensure that MDX receives numerous values from multiple market-makers on a consistent basis, MDX would share revenue from the sale of the Data with qualifying CBOE market-makers that participate in this program. The amount of revenue that MDX would share with participating market-makers would not exceed thirty percent (30%) of the total revenue received by MDX from the sale of the Data. The revenue sharing would be based on the following table:

Number of participating market-makers	Total revenue share	Rev. share per market-maker
3	21%	7%.
4	24%	6%.
5 or more	30%	30% divided by the number of participating market-makers.

If only three market-makers participate, MDX would share 21% of total revenue with each market-maker receiving a 7% share. If four market-makers participate, MDX would share 24% of total revenue with each market-maker receiving a 6% share. If five or more market-makers participate, MDX would share 30% of total revenue divided equally among the market-makers.

In order to help ensure that participating market-makers submit values to MDX on 100% of the series to be valued, a market-maker's revenue share would be reduced as follows:

○ There is one ''grace day'' per month, i.e., if a market-maker does not submit values for 100% of the series on just one day within a given month, that market-maker will not lose any portion of its revenue share for that month.

○ If a market-maker submits values for less than 100% of the series on any two days within a month, that market-maker will forfeit 10% of its revenue share for that month.

○ If a market-maker submits values for less than 100% of the series on any three days within a month, that market-maker will forfeit 25% of its revenue share for that month.

○ If a market-maker submits values for less than 100% of the series on any four days within a month, that market-maker will forfeit 50% of its revenue share for that month.

○ If a market-maker submits values for less than 100% of the series on any five days within a month, that market-maker will forfeit 75% of its revenue share for that month.

○ If a market-maker submits values for less than 100% of the series on any six or more days within a month, that market-maker will forfeit 100% of its revenue share for that month.

Subscribers would be able to purchase options daily, weekly, monthly or quarterly through the MDX Web site. TPHs and non-TPHs would be charged the same fees for the Data. The Exchange will file a separate proposed rule change to establish the fees to be charged by MDX for the Service. The Data would be delivered to subscribers via File Transfer Protocol (FTP) or secure copy shortly after the close of trading each day. MDX expects to launch the Service during the fourth quarter of 2012.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Securities

[7] Current FLEX options open interest spans over 2,000 series on over 300 different underlying securities.

[8] These values would be theoretical in that they would be indications of potential market prices for options that have not traded (i.e. do not yet exist). Market participants sometimes express option values in percentage terms rather than in dollar terms because they find it is easier to assess the change, or lack of change, in the marketplace from one day to the next when values are expressed in percentage terms.

[9] These vendors include SuperDerivatives, Markit, Prism, and Bloomberg's BVAL service.

[10] The OCC makes this data available on its Web site at *http://www.theocc.com/webapps/flex-reports*.

[11] MDX would publish on its Web site a description of the methodology used for averaging the values submitted by market-makers to produce a single publishable value.

[12] Among other terms, the services agreement will include a provision that CBOE does not guarantee the accuracy or completeness of the Data in the Service.

Exchange Act of 1934 (the ''Act'')[13] in general and with Section 6(b)(5) of the Act[14] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and, in general, to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposed rule change would allow the Exchange, through MDX, to disseminate a new data service on a voluntary basis.

The Exchange believes the proposal to share revenue from the sale of the Data with qualifying CBOE market-makers that decide to contribute values to MDX for purposes of producing the Data is reasonable in that the Exchange believes it will encourage market-makers to provide values for the Service, which should enhance the quality of the Service. The Exchange believes using values produced by CBOE market-makers would not only differentiate the Service from the services of competing market data vendors, but would also add validity to the Data since the Data would be more closely related to tradable prices. The Exchange believes the proposal is equitable in that the revenue shared by MDX would be divided equally among participating market-makers. Further, the Exchange believes the proposal is not unfairly discriminatory in that CBOE market-makers would be selected to participate in this program based on objective qualifying criteria.

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 necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes the proposed rule change is pro-competitive in that it would allow the Exchange, through MDX, to disseminate a new data service on a voluntary basis. The Service is voluntary on the part of the Exchange, which is not required to offer such services, and voluntary on the part of prospective subscribers that are not required to use it. The Exchange believes that the Service would help attract new users and new order flow to the Exchange, thereby improving the Exchange's ability to compete in the market for options order flow and executions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. Impose any significant burden on competition; and

C. 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)[15] of the Act and Rule 19b–4(f)(6)[16] thereunder.

At any time within 60 days of the filing of this 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 email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2012–083 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–2012–083. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 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–CBOE–2012–083 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22638 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

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

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67811; File No. SR–NYSEMKT–2012–26]

Self-Regulatory Organizations; NYSE MKT LLC; Order Approving Proposed Rule Change Amending Rule 76—Equities To Add Supplementary Material Relating to a Cross Function That Provides a Regulation NMS Rule 611—Compliant Tool for Floor Brokers

September 10, 2012.

I. Introduction

On July 13, 2012, NYSE MKT LLC (''Exchange'' or ''NYSE MKT '') 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 amending Rule 76—Equities to add supplementary material to provide Floor Brokers with a new functionality

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

through which to effect manual cross transactions of block size. The proposed rule change was published for comment in the **Federal Register** on July 27, 2012.[3] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

Currently, the Floor Broker and Designated Market Maker (''DMM''), after announcing a proposed cross transaction to the trading crowd,[4] must manually monitor the protected best bid or offer to ensure that the proposed cross can be executed in accordance with the customer's instructions and in compliance with Rule 611 of Regulation NMS (''Rule 611'').[5] The Exchange contends that, in today's fast-moving electronic markets, this manual monitoring process may not be the optimal manner by which to facilitate and evidence compliance with Rule 611.

Accordingly, the Exchange proposes to add a new Supplementary Material to Rule 76—Equities.[6] The proposed Supplementary Material would allow Floor Brokers to enter a cross transaction into their hand held device (''HHD''); the Exchange would provide a quote minder function that would monitor protected bids and offers to determine when the limit price assigned to the proposed crossed transaction is such that the orders may be executed consistent with Regulation NMS Rule 611.

When the trade can be effected at or between the protected bid and offer, the Exchange-provided quote minder will: (i) Deliver an alert message to the Floor Broker's HHD indicating that the orders may be crossed; (ii) capture a time-stamped quote within Exchange systems that includes the time that the alert was sent to the HHD and the protected bid and offer at that time; (iii) commence a 20-second timer from the moment a cross trade may be executed at or between the protected and bid offer; and (iv) enable a print key function in the HHD permitting the Floor Broker to cross the orders and print the trade through Exchange systems to the Tape within that 20-second time period.

When the Floor Broker receives the alert message mentioned above, the Floor Broker must first announce the proposed cross transaction to the trading crowd; if the crowd or the DMM does not break up the proposed cross trade, the Floor Broker may then execute the trade using the print key function of the HHD before the expiration of the 20-second time period.

The proposed Supplementary Material would require the proposed cross transaction to consist of at least 10,000 shares or a quantity of stock having a market value of $200,000 or more. Further, the proposed cross transaction may not be for the account of the member or member organization, an account of an associated person, or an account with respect to which the member, member organization or associated person exercises investment discretion. The Exchange has represented that this restriction would help ensure that the functionality would not be used for affiliated principal order flow.

III. Discussion and Commission Findings

After careful review, 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.[7] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[8] in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission finds that the proposed Supplementary Material to Rule 76—Equities removes impediments to and perfects the mechanism of a free and open market because the proposed cross functionality is reasonably designed to assist Floor Brokers' ability to cross orders on the Exchange, particularly if there is significant quote traffic with flickering prices, while facilitating compliance with the trade-through restrictions of Rule 611. Given the rapid quotation changes in today's electronic markets, the Commission believes that it is reasonable to allow Floor Brokers a 20-second look-back period in which to manually execute the cross transaction without violating the trade-through rule. The Commission also notes that the proposal does not otherwise change the operation of Rule 76—Equities. For example, the Floor Broker is still required to expose the proposed cross transaction to the trading crowd, and the proposed cross transaction may be broken up by members by trading with either side of the proposed transaction during the 20-second time period.

The Commission further notes that the proposal would bring more automation to the Exchange, which could support more efficient executions of the cross transactions. Moreover, because the transaction terms will be captured in an automated system, the proposed cross functionality is reasonably designed to provide a better audit trail for manually crossed orders, which may facilitate review of Floor Broker transactions for purposes of compliance with Rule 611.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–NYSEMKT–2012–26) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22636 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 67489 (July 23, 2012), 77 FR 44294 (''Notice'').

[4] According to the Exchange, a DMM, on behalf of a Floor Broker, will enter a cross transaction into the Exchange's Display Book system as a completed transaction in situations where no one in the trading crowd otherwise breaks up a proposed cross. The completed transaction is printed to the consolidated tape (''Tape'') at that price.

[5] 17 CFR 242.611. Commission staff has issued guidance pertaining to the manual execution of orders under staff FAQ 3.23 of Rule 611 (''FAQ 3.23'').

[6] Rule 76—Equities governs the execution of ''cross'' or ''crossing'' orders by Floor Brokers. Rule 76—Equities applies only to manual transactions executed at the point of sale on the trading floor and provides that when a member has an order to buy and an order to sell the same security that can be crossed at the same price, the member is required to announce to the trading crowd the proposed cross by offering the security at a price that is higher than his or her bid by a minimum variation permitted in the security before crossing the orders. Any other member, including the Designated Market Maker (''DMM''), can break up the announced bid and offer by trading with either side of the proposed cross transaction. According to the Exchange, an agency ''cross'' of 10,000 shares or more at or between the Exchange best bid or offer has priority and can only be broken up to provide price improvement that is better than the cross price as to all or part of such bid or offer. A buy and sell order to be crossed pursuant to Rule 72(d)—Equities is subject to Rule 76, including the requirement that such a proposed cross be announced to the crowd. *See* Notice, *supra* note 3 at 44295; *see also,* Rule 72(d)—Equities.

[7] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–67820; File No. SR–EDGX–2012–40]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

September 10, 2012.

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 August 31, 2012 the EDGX Exchange, Inc. (the ''Exchange'' or the ''EDGX'') 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 change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members [3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGX Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of 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, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to discontinue the Message Efficiency Incentive Program (the ''MEIP'') [4] and to delete the reference to the MEIP in Footnote c, which is appended to the rebate for adding liquidity in securities at or above $1.00 on the Exchange's fee schedule. Under the MEIP, Members received standard rebates and tier rebates as provided on the Exchange's fee schedule based upon the Member's average inbound message-to-trade ratio for that month being equal to or less than 100:1. Members could receive the maximum rebate of $0.0003 per share [sic] [5] if their average inbound message-to-trade ratio, measured monthly, was equal to or less than 100:1, subject to applicable rebate tiers. Where a Member exceeded the 100:1 message-to-trade ratio, measured monthly, the Exchange reduced its rebates by $0.0001 per share, without regard to the rebate tier for which the Member qualified that month. In addition, under the MEIP, the following Members were exempt from earning the rebate: (i) All Members that sent less than 1,000,000 messages per day to the Exchange; and (ii) registered Market Makers provided that they were registered in at least 100 securities on the Exchange over the course of a month and met their continuous, two-sided quoting obligations under Exchange Rule 11.21(d) on at least ten (10) consecutive trading days in the month. The Exchange proposes to discontinue the $0.0001 per share reduction in standard rebates and tier rebates that the Exchange applied to Members that exceeded an average inbound message-to-trade ratio of 100:1, measured monthly.

The Exchange proposes to implement these amendments to its fee schedule on September 1, 2012.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[6] in general, and furthers the objectives of Section 6(b)(4) [7] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

In its original filing introducing the MEIP, the Exchange stated that it was establishing the MEIP in order to promote a more efficient marketplace, to encourage liquidity provision and to enhance the trading experience of Members on an ongoing basis.[8] Having implemented the MEIP for the period since its launch, the Exchange has not seen these benefits, and thus believes that discontinuation of the MEIP is appropriate at this time. Specifically, the Exchange believes that, by not adequately isolating purely inefficient message flow, the MEIP may have unintentionally captured, and therefore disincentivized, order behavior that benefits market liquidity. For example, the MEIP potentially discourages market participants from posting multiple levels of liquidity in less actively traded securities. Thus, while the Exchange's intention was to encourage efficiency and consequently attract more liquidity, the MEIP appears to have resulted in the opposite effect.

The Exchange believes its proposal to discontinue the MEIP is equitable because it allows Members the freedom to manage their order and message flow consistently with their business models. In addition, the Exchange believes its proposal is reasonable because other exchanges, *e.g.,* BATS Exchange, Inc., maintain pricing models that are designed to incentivize customers to increase liquidity, without any restriction on order activity that applied under the MEIP. By discontinuing the MEIP, the Exchange believes that it will remain competitive with other exchanges that do not offer reductions in standard rebates and/or tier rebates based on customers' message efficiency. The Exchange believes that the proposal is equitable and non-discriminatory in that it applies uniformly to all Members.

The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to encourage market participants to direct their order flow to the Exchange, or at least not to discourage the direction of order flow to the Exchange. The Exchange believes the fees and credits remain competitive with those charged by other venues and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in Exchange Rule 1.5(n).

[4] *See* Securities Exchange Act Release No. 67159 (June 7, 2012), 77 FR 35439 (June 13, 2012) (SR–EDGX–2012–18) (where the Exchange introduced the MEIP).

[5] The Commission notes that the standard rebate for adding liquidity on the Exchange is $0.0023 per share, subject to applicable rebate tiers.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] *See* Securities Exchange Act Release No. 67159 (June 7, 2012), 77 FR 35439 (June 13, 2012) (SR–EDGX–2012–18).

therefore continue to be reasonable and equitably allocated to Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

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) of the Act [9] and Rule 19b–4(f)(2) [10] thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2012–40 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–EDGX–2012–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–EDGX–2012–40 and should be submitted on or before October 5, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–22645 Filed 9–13–12; 8:45 am]

BILLING CODE 8011–01–P

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

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13271 and #13272]

Louisiana Disaster Number LA–00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4080–DR), dated 08/31/2012.

Incident: Hurricane Isaac.

Incident Period: 08/26/2012 and continuing.

Effective Date: 09/05/2012.

Physical Loan Application Deadline Date: 10/30/2012.

EIDL Loan Application Deadline Date: 05/29/2013.

ADDRESSES: Submit completed loan applications to:

U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of LOUISIANA, dated 08/31/2012 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Parishes: (Physical Damage and Economic Injury Loans):

Tangipahoa.

Contiguous Counties: (Economic Injury Loans Only):

Mississippi: Amite, Pike.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2012–22624 Filed 9–13–12; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13271 and #13272]

Louisiana Disaster Number LA–00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4080–DR), dated 08/31/2012.

Incident: Hurricane Isaac.

Incident Period: 08/26/2012 and continuing.

DATES: *Effective Date:* 09/06/2012.

Physical Loan Application Deadline Date: 10/30/2012.

EIDL Loan Application Deadline Date: 05/29/2013.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of LOUISIANA, dated 08/

31/2012 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Parishes: (Physical Damage and Economic Injury Loans):
Assumption, Saint Helena, Saint James, Terrebonne, Washington.

Contiguous Parishes/Counties: (Economic Injury Loans Only):
Louisiana:
East Feliciana, Iberia, Saint Martin, Saint Mary.
Mississippi:
Marion, Walthall.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2012–22628 Filed 9–13–12; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8025]

Culturally Significant Objects Imported for Exhibition Determinations: ''Tokyo 1955–70: A New Avant-Garde''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Tokyo 1955–70: A New Avant-Garde,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Museum of Modern Art, New York, NY, from on or about November 18, 2012, until on or about February 25, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: September 6, 2012.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2012–22711 Filed 9–13–12; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee (ARAC); Renewal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Renewal.

SUMMARY: The FAA announces the charter renewal of the Aviation Rulemaking Advisory Committee (ARAC), a Federal Advisory Committee that works with industry and the public to improve the development of the FAA's regulations. This charter renewal will take effect on September 17, 2012, and will expire after 2 years.

FOR FURTHER INFORMATION CONTACT: Renee Butner, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–5093; fax (202) 267–5075; email *Renee.Butner@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), the FAA is giving notice of the charter renewal for the ARAC. The ARAC was established to provide advice and recommendations to FAA on regulatory matters. The ARAC is composed of member organizations and associations that represent the various aviation industry segments. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities. See the ARAC Web site for details on pending tasks at *http://www.faa.gov/regulations_policies/rulemaking/committees/documents/.*

Dated: Issued in Washington, DC, on September 10, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–22713 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Comment Period Extension for the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement for the California High-Speed Train Project Fresno to Bakersfield Section

AGENCY: Federal Railroad Administration (FRA), United States Department of Transportation (DOT).

ACTION: Notice of comment period extension.

SUMMARY: FRA is issuing this notice to advise the public that the comment period for the Supplemental Draft Environmental Impact Statement (EIS) for the Fresno to Bakersfield Section of the California High-Speed Train (HST) Project (Project) issued on June 20, 2012 has been extended and shall now end on October 19, 2012. FRA and the Project sponsor, the California High Speed Rail Authority (Authority), made this decision to be responsive to stakeholder requests and to encourage comprehensive public participation. FRA is the lead Federal agency and Authority is the lead state agency for the environmental review process. Public hearings were held on August 27, August 28, and August 29, 2012, in the Cities of Fresno, Hanford, and Bakersfield, CA respectively.

DATES: Written comments on the Supplemental Draft EIS for the Fresno to Bakersfield Section should be provided to the California High-Speed Rail Authority on or before October 19, 2012.

ADDRESSES: Written comments on the Supplemental Draft EIS should be sent to the California High-Speed Rail Authority, EIR/EIS Comments, 770 L Street, Suite 800, Sacramento, CA 95814, or may be submitted online at *Fresno_Bakersfield@hsr.ca.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. David Valenstein, Chief, Environment and Systems Planning Division, Office of Railroad Policy and Development, Federal Railroad Administration, U.S., Department of Transportation, 1200 New Jersey Avenue SE., MS–20, Washington, DC 20590 (telephone: 202–493–6368).

SUPPLEMENTARY INFORMATION: Once completed, the California HST system will provide intercity, high-speed passenger rail service on more than 800 miles of tracks throughout California, connecting the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego. It will use state-of-the-art,

electrically powered, high-speed, steel-wheel-on-steel-rail technology, including contemporary safety, signaling, and automated train-control systems, with trains capable of operating up to 220 miles per hour (mph) over a fully graded-separated, dedicated double track alignment. The HST System is comprised of multiple sections, one of which is the Fresno to Bakersfield Section analyzed in the Supplemental Draft EIS.

This project-level EIS tiers off of the Statewide Program EIS published in 2005 and the Bay area to Central Valley Program EIS published in 2008 and builds on the earlier decisions and Program EISs. The Fresno to Bakersfield Section is comprised of a 114-mile dedicated, double-track high-speed passenger rail corridor between Fresno and Bakersfield, CA. The Project includes stations in downtown Fresno and Bakersfield, and a possible Kings/Tulare Regional Station in the vicinity of Hanford, CA. A heavy maintenance facility for assembly, testing, and commissioning of trains, train inspection and service, and train overhaul may be construction in the Fresno to Bakersfield Section.

In August 2011, FRA issued a Draft EIS and circulated the document for a 60-day public and agency review and comment period. The Draft EIS analyzed a no action alternative and various action alternatives for the construction and operation of the California HST Project Fresno to Bakersfield Section including alignment alternatives and station locations. FRA and Authority held three public hearings on the Draft EIS held in Fresno, Hanford, and Bakersfield on September 20, September 21, and September 22, 2011 respectively to collect public comments.

Based on substantive comments received during the public and agency review of the Draft EIS, the Authority and FRA decided to reintroduce alignment alternatives west of Hanford. In response to concerns raised by stakeholders in metropolitan Bakersfield, FRA and the Authority also decided to evaluate another alternative in Bakersfield (Bakersfield Hybrid Alternative) in an effort to minimize impacts to residential and community facilities. The FRA and Authority determined that the introduction of these new alternatives and refinements being considered for existing Fresno to Bakersfield route alternatives required preparation of a Supplemental Draft EIS under NEPA and a Revised Draft EIR under CEQA.

Consistent with the provisions of NEPA Section 102(2)(c) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR parts 1500 *et seq.*), FRA's Procedures for Considering Environmental Impacts (64 FR 28545, May 26, 1999), the Supplemental Draft EIS describes the Project's purpose and need, identifies the reasonable range of alternatives including the no action alternative, evaluates the potential environmental effects associated with those alternatives, and identifies mitigation measures to minimize potential environmental effects.

Copies of the Supplemental Draft EIS are available online at FRA's Web site: *www.fra.dot.gov;* the Authority's Web site: *www.cahighspeedrail.ca.gov;* and are also available for viewing at the following locations near the planned rail system:

- Fresno County Public Library, Central Branch, Central Reference Department, 2420 Mariposa Street, Fresno, CA;
- Fresno County Public Library, Clovis Regional Library, 1155 Fifth Street, Clovis, CA;
- Fresno County Public Library, Laton Branch, 6313 DeWoody Street, Laton, CA;
- Kern County Library, Beale Memorial Library, 701 Truxtun Avenue, Bakersfield, CA;
- Kern County Library, Corcoran Branch, 1001 Chittenden Avenue, Corcoran, CA;
- Kern County Library, Delano Branch, 925 10th Avenue, Delano, CA;
- Kern County Library, Shafter Branch, 236 James Street, Shafter, CA;
- Kern County Library, Wasco Branch, 1102 7th Street, Wasco, CA;
- Kings County Library, Hanford Branch (Main Library), 401 N. Douty Street, Hanford, CA;
- Kings County Library, Lemoore Branch, 457 C Street, Lemoore, CA;
- Tulare County Library, Visalia Branch (Main Library), 200 West Oak Avenue, Visalia, CA; and
- Tulare Public Library, 475 North M Street, Tulare, CA.

Issued in Washington, DC, on September 7, 2012.

Corey Hill,

Director, Rail Project Development and Delivery.

[FR Doc. 2012–22703 Filed 9–13–12; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35670]

Iowa Traction Railway Company—Acquisition and Operation Exemption—Rail Line of Iowa Traction Railroad Company

Iowa Traction Railway Company (Iowa Railway), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Iowa Traction Railroad Company (Iowa Railroad) and to operate a 10.4-mile rail line extending from milepost 0.0 at Mason City to milepost 10.4 at Clear Lake in Cerro Gordo County, Iowa (the Line). Iowa Railway states that the acquisition and operation of the Line do not involve any interchange commitments.

In a related proceeding, Progressive Rail Incorporated has concurrently filed a verified notice of exemption to continue in control of Iowa Railway upon Iowa Railway's becoming a Class III rail carrier. *Progressive Rail Inc.—Continuance in Control Exemption—Iowa Traction Ry.,* Docket No. FD 35671.

The transaction may be consummated on or after September 30, 2012 (30 days after the notice of exemption was filed).

Iowa Railway certifies that its projected annual revenues as a result of this transaction do not exceed those that would qualify it as a Class III rail carrier and will not exceed $5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than September 21, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35670, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: September 11, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2012–22694 Filed 9–13–12; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35671]

Progressive Rail Incorporated—Continuance in Control Exemption—Iowa Traction Railway Company

Progressive Rail Incorporated (PGR) has filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Iowa Traction Railway Company (Iowa Railway) upon Iowa Railway's becoming a Class III rail carrier.

In a concurrently filed verified notice of exemption, Iowa Railway seeks Board approval to acquire from Iowa Traction Railroad Company (Iowa Railroad) and to operate a 10.4-mile rail line extending from milepost 0.0 at Mason City to milepost 10.4 at Clear Lake in Cerro Gordo County, Iowa (the Line). *Iowa Traction Ry.—Acquis. & Operation Exemption—Rail Line of Iowa Traction R.R.,* Docket No. FD 35670.

The transaction may be consummated on or after September 30, 2012 (the effective date of the exemption).

PGR is a Class III rail carrier currently operating rail lines in Minnesota and Wisconsin. PGR also controls Central Midland Railway Company, which operates in Missouri.

PGR certifies that: (1) The Line does not connect with any other railroads in the corporate family; (2) the transaction is not part of a series of anticipated transactions that would connect the Line with any other railroads in the corporate family; and (3) the transaction does not involve a Class I rail carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than September 21, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35671, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: September 11, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2012–22716 Filed 9–13–12; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Information Collection; Submission for OMB Review

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the OCC is soliciting comment concerning a renewal of an existing collection titled ''Customer Complaint Form.'' The OCC also is giving notice that it has submitted the collection to OMB for review.

DATES: You should submit written comments by: October 15, 2012.

ADDRESSES: You should direct all written comments to: Communications Division, Office of the Comptroller of the Currency, Mailstop 2–3, Attention: 1557–0232, 250 E Street SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC, 250 E Street SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–4700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–0232, by mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Mary Gottlieb, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0202), Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: On July 21, 2011, pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[1] the Bureau of Consumer Financial Protection (CFPB) was granted the authority to, among other things, supervise large banks and Federal savings associations with more than $10 billion in assets for compliance with certain consumer protection laws. The CFPB's authority also includes the handling of consumer complaints related to those large financial companies.

Representatives from the OCC and the CFPB as well as the other FFIEC agencies have been meeting on a regular basis since the passage of the Dodd-Frank Act to establish policies and procedures to coordinate the processing of consumer complaints. The OCC will continue to process questions and complaints concerning consumer issues within the jurisdiction of the OCC through our Consumer Assistance Group (CAG), and will continue to forward misdirected complaints to the appropriate Federal or state regulator.

Title: Customer Complaint Form.

OMB Control No.: 1557–0232.

Description: The customer complaint form was developed as a courtesy for those who contact CAG at the OCC, and wish to file a formal, written complaint. The form, which is optional, helps

[1] *See,* Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1990, July 21, 2010 (Dodd-Frank).

consumers to focus the issues of their complaint to provide a complete picture of their concerns so that CAG does not have to delay its review by going back to the consumer for additional information. In this way, completion of the form allows CAG to process a complaint more efficiently.

CAG uses the information on the form to create a record of the consumer's contact, to capture information that can be used to resolve the consumer's issues, and to develop a database of information that can be incorporated into the OCC's supervisory process.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Number of Respondents: 40,000.

Total Annual Responses: 40,000.

Frequency of Response: On occasion.

Total Annual Burden Hours: 3,320.

The OCC published the collection for 60 days of public comment on June 21, 2012. 77 FR 37475. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 11, 2012.

Michele Meyer,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 2012–22730 Filed 9–13–12; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2438

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning; Form 2438, Undistributed Capital Gains Tax Return; Revenue Procedure 97–29, Model Amendments and Prototype Program for SIMPLE IRAs; Revenue Procedure 2006–30, Restaurant Tips—Attributed Tip Income Program (ATIP); and Form 13768, Electronic Tax Administration Advisory Committee Membership Application.

DATES: Written comments should be received on or before November 13, 2012 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette Lawrence, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the collection tools should be directed to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION: Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

(1) *Title:* Undistributed Capital Gains Tax Return.

OMB Number: 1545–0144.

Form Number: 2438.

Abstract: Form 2438 is used by regulated investment companies to compute capital gains tax on undistributed capital gains designated under Internal Revenue Code section 852(b)(3)(D). The IRS uses this information to determine the correct tax.

Current Actions: There are no changes to the previously approved burden of this existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 9 hrs., 46 mins.

Estimated Total Annual Burden Hours: 976.

(2) *Title:* Model Amendments and Prototype Program for SIMPLE IRAs.

OMB Number: 1545–1543.

Form Number: Revenue Procedure 97–29.

Abstract: This revenue procedure (1) provides a model amendment that may be used, prior to January 1, 1999, by a sponsor of a prototype individual retirement account or annuity (IRA) to establish a SIMPLE IRA (an IRA designed to accept contributions under a SIMPLE IRA Plan described in § 408(p)) of the Internal Revenue Code; (2) provides guidance on obtaining opinion letters to drafters of prototype SIMPLE IRAs; (3) provides permissive amendments to sponsors of nonSIMPLE IRAs;(4) announces the opening of a program for prototype SIMPLE IRA Plans; and (5) provides transitional relief for users of SIMPLE IRAs and SIMPLE IRA Plans that have not been approved by the Internal Revenue Service.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 3,205.

Estimated Total Annual Reporting Burden Hours: 25,870.

(3) *Title:* Restaurant Tips—Attributed Tip Income Program (ATIP).

OMB Number: 1545–2005.

Form Number: Revenue Procedure 2006–30.

Abstract: This revenue procedure sets forth the requirements for participating in the Attributed Tip Income Program (ATIP). ATIP provides benefits to employers and employees similar to those offered under previous tip reporting agreements without requiring one-on-one meetings with the Service to determine tip rates or eligibility.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, farms.

Estimated Number of Respondents: 610.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 6,100.

(4) *Title:* Electronic Tax Administration Advisory Committee Membership Application.

OMB Number: 1545–2231.

Form Number: Form 13768.

Abstract: The Internal Revenue Service Restructuring and Reform Act of 1998 (RRA 98) authorized the creation of the Electronic Tax Administration Advisory Committee (ETAAC). ETAAC has a primary duty of providing input to the Internal Revenue Service (IRS) on its strategic plan for electronic tax administration. Accordingly, ETAAC's responsibilities involve researching, analyzing and making recommendations on a wide range of electronic tax administration issues.

ETAAC members convey the public's perception of the IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements.

Current Actions: There is no change in the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 7, 2012.

Yvette Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2012–22625 Filed 9–13–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974, as Amended

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed alteration of a Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury, Internal Revenue Service (IRS), gives notice of proposed alteration of a system of records related to the functions of the Office of Professional Responsibility (OPR): Treasury/IRS 37.007, Practitioner Disciplinary Records.

DATES: Comments must be received no later than October 15, 2012. The proposed altered system will become effective October 24, 2012, unless the IRS receives comments which cause reconsideration of this action.

ADDRESSES: Comments should be sent to the Office of Privacy, Governmental Liaison and Disclosure, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224. Comments will be available for inspection and copying in the IRS Freedom of Information Reading Room (Room 1621) at the above address. The telephone number for the Reading Room is (202) 622–5164 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: David Silverman, Management and Program Analyst, Office of Privacy, Governmental Liaison and Disclosure, telephone number (202) 622–5625 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The regulations governing practice before the IRS, issued under the authority of 31 U.S.C. 330, are set out at 31 CFR part 10, and are periodically published in pamphlet form as Treasury Department Circular No. 230. Amendments to the regulations were published recently at 76 FR 32286–32312, June 3, 2011. Section 10.1(a)(1) of the amended regulations provides that OPR shall generally have responsibility for matters related to practitioner conduct and discipline, including disciplinary proceedings and sanctions. Sections 10.2(a)(5) and 10.3(f) define ''practitioner'' to include registered tax return preparers, who, pursuant to 10.3(f)(4), are subject to the regulations in the same manner as other practitioners. Sections 10.8(a) and (c) provide that any individual who for compensation prepares or assists with the preparation of all or substantially all of a tax return, claim for refund, or other document pertaining to any taxpayer's liability for submission to the IRS is subject to the duties and restrictions relating to practice in subpart B, and well as subject to the sanctions for violation of the regulations in subpart C.

A notice describing Treasury/IRS 37.007 was most recently published at 75 FR 64406–64407, October 19, 2010. Due to the June 3, 2011, amendments to the regulations, conforming alterations must be made to Treasury/IRS 37.007.

For the reason set forth above, the IRS proposes to alter the system of records as follows.

TREASURY/IRS 37.007

SYSTEM NAME:

Practitioner Disciplinary Records—Treasury/IRS.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Description of changes: The following categories of individuals are added: Registered tax return preparers, and any individual who for compensation prepares or assists with the preparation of all or substantially all of a tax return, claim for refund, or other document pertaining to any taxpayer's liability for submission to the IRS. When altered as proposed, Categories of Individuals Covered by the System will read as follows:

''Subjects and potential subjects of disciplinary proceedings relating to attorneys, certified public accountants, enrolled agents, enrolled actuaries, enrolled retirement plan agents, appraisers, registered tax return preparers, and any individual who for compensation prepares or assists with the preparation of all or substantially all of a tax return, claim for refund, or other document pertaining to any taxpayer's liability for submission to the IRS; subjects or potential subjects of actions to deny eligibility to engage in limited practice before the IRS or actions to withdraw eligibility to practice before

the IRS in any other capacity; individuals who have received disciplinary sanctions or whose eligibility to practice before the IRS has been denied or withdrawn; and individuals who have submitted to OPR information concerning potential violations of 31 CFR part 10.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Description of changes: In routine use (8), item (a), the following professional designations are added to the list of professional designations: Registered tax return preparer, or any individual who for compensation prepares or assists with the preparation of all or substantially all of a tax return, claim for refund, or other document pertaining to any taxpayer's liability for submission to the IRS. Also in routine use (8), item (a), the following professional designation is added to the list of individuals who have resigned: Registered tax return preparer. When altered as proposed, routine use (8) will read as follows:

''(8) Make available for public inspection or otherwise disclose to the general public, after the final agency decision has been issued or after OPR has taken final action: (a) The name, mailing address, professional designation (attorney, certified public accountant, enrolled agent, enrolled actuary, enrolled retirement plan agent, appraiser, registered tax return preparer, or any individual who for compensation prepares or assists with the preparation of all or substantially all of a tax return, claim for refund, or other document pertaining to any taxpayer's liability for submission to the IRS), type of disciplinary sanction, effective dates, and information about the conduct that gave rise to the sanction pertaining to individuals who have been censured, individuals who have been suspended or disbarred from practice before the IRS, individuals who have resigned as an enrolled agent, an enrolled retirement plan agent, or a registered tax return preparer in lieu of a disciplinary proceeding being instituted or continued, individuals upon whom a monetary penalty has been imposed, and individual appraisers who have been disqualified; and (b) the name, mailing address, representative capacity (family member; general partner; full-time employee or officer of a corporation, association, or organized group; full-time employee of a trust, receivership, guardianship, or estate; officer or regular employee of a government unit; an individual representing a taxpayer outside the United States; or unenrolled return preparer), the fact of the denial of eligibility for limited practice, effective dates, and information about the conduct that gave rise to the denial pertaining to individuals who have been denied eligibility to engage in limited practice before the IRS pursuant to 31 CFR part 10.''

* * * * *

The report of the altered system of records, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB).

Dated: August 21, 2012.

Melissa Hartman,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

[FR Doc. 2012–22619 Filed 9–13–12; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974

AGENCY: Department of Veterans Affairs.

ACTION: Notice of new system of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e) (4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled ''Veteran Child Care Programs—VA'' (169VA10NC).

DATES: Comments on this new system of records must be received no later than October 15, 2012. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new system will become effective October 15, 2012.

ADDRESSES: Written comments concerning the proposed new system of records may be submitted through *www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Meri Mallard, Deputy Field Director Women's Health, Department of Veterans Affairs, 508 Fulton Street, Durham, NC, 27705, telephone (919) 416–5980.

SUPPLEMENTARY INFORMATION:

I. Description of Proposed Systems of Records

Caregivers and Veterans Omnibus Health Services Act of 2010, Public Law 111–163 requires VA to carry out a program to assess the advisability and feasibility of providing assistance to qualified Veterans to obtain child care so that such Veterans can receive health care services. VA has established child care sites under this program in medical centers to provide hourly child care services to Veterans during their VA appointment. Children, both infants and school-age, can be dropped off at the VA Child Care Center (Center) for the duration of the Veteran's scheduled appointment, at no charge to the Veteran. This system of records contains information on the children who receive child care and the children's parents and/or guardians who are receiving treatment at VA.

II. Proposed Routine Use Disclosures of Data in the System

To the extent that records contained in the system include information protected by 38 U.S.C. 7332, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority permitting disclosure.

The Veterans Health Administration (VHA) is proposing the following routine use disclosures of information to be maintained in the system:

1. On its own initiative, VA may disclose information, except for the names and home addresses of Veterans and their dependents, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. On its own initiative, VA may also disclose the names and addresses of

Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. VA must be able to comply with the requirements of agencies charged with enforcing the law and conducting investigations. VA must also be able to provide information to State or local agencies charged with protecting the public's health as set forth in State law.

2. Disclosure may be made to an agency in the executive, legislative, or judicial branch, or the District of Columbia's government in response to its request or at the initiation of VA, in connection with disease tracking, patient outcomes or other health information required for program accountability.

3. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual. Individuals sometimes request the help of a Member of Congress in resolving some issues relating to a matter before VA. The Member of Congress then writes to VA, and VA must be able to give sufficient information to give a response to the inquiry.

4. Disclosure may be made to National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under authority of Title 44, Chapter 29, of the U.S.C. NARA and GSA are responsible for management of old records no longer actively used, but which may be appropriate for preservation, and for the physical maintenance of the Federal government's records. VA must be able to provide the records to NARA and GSA in order to determine the proper disposition of such records.

5. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

6. VA may disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the Commission as authorized by law or regulation. VA must be able to provide information to the Commission to assist it in fulfilling its duties to protect employees' rights, as required by statute and regulation.

7. Disclosures of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform the services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement. This routine use includes disclosures by the individual or entity performing the service for VA to any secondary entity or individual to perform an activity that is necessary for individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement to provide the service to VA.

8. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

9. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when: (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; and (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

10. Information may be disclosed by appropriate VA personnel to the extent necessary and on a need to know basis, consistent with good medical-ethical practices, to family members.

11. VA may disclose information from this system to the Federal Labor Relations Authority (FLRA), including its General Counsel, information related to the establishment of jurisdiction, investigation, and resolution of allegations of unfair labor practices, or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; for it to address matters properly before the Federal Services Impasses Panel, investigate representation petitions, and conduct or supervise representation elections. VA must be able to provide information to FLRA to comply with the statutory mandate under which it operates.

12. VA may disclose information from this system to the Merit Systems Protection Board (MSPB), or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law. VA must be able to provide information to MSPB to assist it in fulfilling its duties as required by statute and regulation.

III. Compatibility of the Proposed Routine Uses

The Privacy Act permits VA to disclose information about individuals without their consent for a routine use when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the routine use disclosures described above, either the recipient of the information will use the information in connection with a matter relating to one of VA's programs, will use the information to provide a benefit to VA, or disclosure is required by law.

Under section 264, Subtitle F of Title II of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Public Law 104–191, 100 Stat. 1936, 2033–34 (1996), the United States

Department of Health and Human Services published a final rule, as amended, establishing Standards for Privacy of Individually-Identifiable Health Information, 45 CFR parts 160 and 164. The Veterans Health Administration may not disclose individually-identifiable health information (as defined in HIPAA and the Privacy Rule, 42 U.S.C. 1320(d)(6) and 45 CFR 164.501) pursuant to a routine use unless either: (a) The disclosure is required by law, or (b) the disclosure is also permitted or required by the Privacy Rule. The disclosures of individually-identifiable health information contemplated in the routine uses published in this new system of records notice are permitted under the Privacy Rule or required by law. However, to also have authority to make such disclosures under the Privacy Act, VA must publish these routine uses. Consequently, VA is publishing these routine uses and is adding a preliminary paragraph to the routine uses portion of the system of records notice stating that any disclosure pursuant to the routine uses in this system of records notice must be either required by law or permitted by the Privacy Rule before VHA may disclose the covered information.

The notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Approved: August 15, 2012.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

169VA10NC

SYSTEM NAME:

Veteran Child Care Programs—VA

SYSTEM LOCATION:

Records are maintained at each VA health care facility where the child care program is in place (in most cases, backup information is stored at off-site locations). Subsidiary record information is maintained by individuals, organizations, and/or agencies with whom VA has a contract or agreement to perform such services, as VA may deem practicable.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records contain information on children who receive child care and the children's parents and/or guardians who are receiving treatment at VA.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information related to:

(1) Indentifying information for child (e.g. name, birth date, age, social security number, telephone number, child's primary care physician and (2) emergency contact information for parent/guardian (e.g. name of parent, address, relationship, telephone number, alternate contact person.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, U.S.C., Section 501.

PURPOSE(S):

The records and information may be used for statistical analysis to produce various management, workload tracking, and follow-up reports; determining entitlement and eligibility for VA benefits, quality assurance audits and reviews, to track and evaluate the ordering and delivery of equipment and services for the planning, distribution and utilization of resources, and personnel management and evaluation. The data may be used for VA's extensive research programs in accordance with VA policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 38 U.S.C. 7332, i.e., medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority permitting disclosure.

VA may disclose protected health information pursuant to the following routine uses where required by law, or required or permitted by 45 CFR parts 160 and 164.

1. On its own initiative, VA may disclose information, except for the names and home addresses of Veterans and their dependents, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. On its own initiative, VA may also disclose the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto. VA must be able to comply with the requirements of agencies charged with enforcing the law and conducting investigations. VA must also be able to provide information to State or local agencies charged with protecting the public's health as set forth in State law.

2. Disclosure may be made to an agency in the executive, legislative, or judicial branch, or the District of Columbia's government in response to its request or at the initiation of VA, in connection with disease tracking, patient outcomes or other health information required for program accountability.

3. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual.

4. Disclosure may be made to NARA and GSA in records management inspections conducted under authority of Title 44, Chapter 29, of the U.S.C.

5. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

6. VA may disclose information to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the Commission as authorized by law or regulation.

7. Disclosures of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform the services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

8. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

9. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when: (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; and (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

10. Information may be disclosed by appropriate VA personnel to the extent necessary and on a need to know basis, consistent with good medical-ethical practices, to family members.

11. VA may disclose information from this system to the FLRA, including its General Counsel, information related to the establishment of jurisdiction, investigation, and resolution of allegations of unfair labor practices, or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; for it to address matters properly before the Federal Services Impasses Panel, investigate representation petitions, and conduct or supervise representation elections.

12. VA may disclose information from this system to the MSPB, or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper, microfilm, electronic media including images and scanned documents, or laser optical media in the consolidated health record at the health care facility where care was rendered.

RETRIEVABILITY:

Records are retrieved by name, social security number or other assigned identifiers of the individuals to whom they pertain.

SAFEGUARDS:

1. Access to and use of national administrative databases, warehouses, and data marts are limited to those persons whose official duties require such access, and VA has established security procedures to ensure that access is appropriately limited. Information security officers and system data stewards review and authorize data access requests. VA regulates data access with security software that authenticates users and requires individually unique codes and passwords. VA provides information security training to all staff and instructs staff on the responsibility each person has for safeguarding data confidentiality.

2. Physical access to computer rooms housing national administrative databases, warehouses, and data marts is restricted to authorized staff and protected by a variety of security devices. Unauthorized employees, contractors, and other staff are not allowed in computer rooms. The Federal Protective Service or other security personnel provide physical security for the buildings housing computer rooms and data centers.

3. Data transmissions between operational systems and national administrative databases, warehouses, and data marts maintained by this system of record are protected by state of the art telecommunication software and hardware. This may include firewalls, intrusion detection devices, encryption, and other security measures necessary to safeguard data as it travels across the VA Wide Area Network.

4. In most cases, copies of back-up computer files are maintained at off-site locations.

5. VA maintains Business Associate Agreements and Non-Disclosure Agreements where appropriate with contracted resources in order to maintain confidentiality of the information.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Official maintaining this system of records and responsible for policies and procedures is the Deputy, ADUSH for Clinical Operations, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them or their children should submit a written request or apply in person where the child participated in the child care program. Inquiries should include the person's full name, social security number, location and dates of employment or location and dates of treatment and their return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of records in this system may write, call, or visit in person where the child participated in the child care program.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the Veteran or family members.

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Part II

Department of Health and Human Services

Secretarial Review and Publication of the Annual Report to Congress Submitted by the Contracted Consensus-Based Entity Regarding Performance Measurement; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretarial Review and Publication of the Annual Report to Congress Submitted by the Contracted Consensus-Based Entity Regarding Performance Measurement

AGENCY: Office of the Secretary of Health and Human Services, HHS.

ACTION: Notice.

SUMMARY: This notice acknowledges the Secretary of the Department of Health and Human Services' (HHS) receipt and review of the annual report submitted to the Secretary and Congress by the contracted consensus-based entity as mandated by section 1890(b)(5) of the Social Security Act, as added by section 183 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) and section 3014 of the Affordable Care Act of 2010. The statute requires the Secretary to publish the report in the **Federal Register** together with any comments of the Secretary on the report not later than six months after receiving the report. This notice fulfills those requirements.

FOR FURTHER INFORMATION CONTACT: Stephanie Mika (202) 260–6366.

I. Background

Rising health care costs coupled with the growing concern over the level and variation in quality and efficiency in the provision of health care raise important challenges for the United States. Section 183 of MIPPA also required the Secretary of the Department of Health and Human Services (HHS) to contract with a consensus-based entity to perform various duties with respect to health care performance measurement. These activities support HHS's efforts to achieve value as a purchaser of high-quality, patient-centered, and financially sustainable health care. The statute mandates that the contract be competitively awarded for a period of four years and may be renewed under a subsequent competitive contracting process.

In January, 2009, a competitive contract was awarded by HHS to the National Quality Forum (NQF) for a four-year period. The contract specified that NQF should conduct its business in an open and transparent manner, provide the opportunity for public comment and ensure that membership fees do not pose a barrier to participation in the scope of HHS's contract activities, if applicable.

The HHS four-year contract with NQF includes the following major tasks:

Formulation of a National Strategy and Priorities for Health Care Performance—NQF shall synthesize evidence and convene key stakeholders on the formulation of an integrated national strategy and priorities for health care performance measurement in all applicable settings. NQF shall give priority to measures that: Address the health care provided to patients with prevalent, high-cost chronic diseases; provide the greatest potential for improving quality, efficiency and patient-centered health care and may be implemented rapidly due to existing evidence, standards of care or other reasons. NQF shall consider measures that assist consumers and patients in making informed health care decision; address health disparities across groups and areas; and address the continuum of care across multiple providers, practitioners and settings.

Implementation of a Consensus Process for Endorsement of Health Care Quality Measures—NQF shall implement a consensus process for endorsement of standardized health care performance measures which shall consider whether measures are evidence-based, reliable, valid, verifiable, relevant to enhanced health outcomes, actionable at the caregiver level, feasible to collect and report, and responsive to variations in patient characteristics such as health status, language capabilities, race or ethnicity, and income level and is consistent across types of providers including hospitals and physicians.

Maintenance of Consensus Endorsed Measures—NQF shall establish and implement a maintenance process to ensure that endorsed measures are updated (or retired if obsolete) as new evidence is developed.

Promotion of Electronic Health Records—NQF shall promote the development and use of electronic health records that contain the functionality for automated collection, aggregation, and transmission of performance measurement information.

Focused Measure Development, Harmonization and Endorsement Efforts to Fill Critical Gaps in Performance Measurement—NQF shall complete targeted tasks to support performance measurement development, harmonization, endorsement and/or gap analysis.

Development of a Public Web site for Project Documents—NQF shall develop a public Web site to provide access to project documents and processes. The HHS contract work is found at: *http://www.qualityforum.org/projects/ongoing/hhs/.*

Annual Report to Congress and the Secretary—Under section 1890(b)(5)(A) of the Act, by not later than March 1 of each year (beginning with 2009, NQF shall submit to Congress and the Secretary of HHS an annual report. The report shall contain a description of the implementation of quality measurement initiatives under the Act and the coordination of such initiatives with quality initiatives implemented by other payers; a summary of activities and recommendations from the national strategy and priorities for health care performance measurement task; and a discussion of performance by NQF of the duties required under the HHS contract. Section 1890(b)(5)(B) of the Social Security Act requires the Secretarial review of the annual report to Congress upon receipt and the publication of the report in the **Federal Register** together with any Secretarial comments not later than 6 months after receiving the report.

The first annual report covered the performance period of January 14, 2009 to February 28, 2009 or the first six weeks post contract award. Given the short timeframe between award and the statutory requirement for the submission of the first annual report, this first report provided a brief summary of future plans. In March 2009, NQF submitted the first annual report to Congress and the Secretary of HHS. The Secretary published a notice in the **Federal Register** in compliance with the statutory mandate for review and publication of the annual report on September 10, 2009 (74 FR 46594).

In March 2010, NQF submitted to Congress and the Secretary the second annual report covering the period of performance of March 1, 2009 through February 28, 2010. The second annual report was published in the **Federal Register** on October 22, 2010 (75 FR 65340) to comply with the statutorily required Secretarial review and publication.

In March 2011, NQF submitted the third annual report to Congress and Secretary of HHS. This notice complies with the statutory requirement for Secretarial review and publication of the third annual report covering the period of performance of January 14, 2010 through January 13, 2011. The third annual report was published in the **Federal Register** on September 7, 2011 (76 FR 55474).

Affordable Care Act was signed into law on March 23, 2010. Section 3014 of this Act included a time-sensitive requirement for NQF to provide input into the national priorities for consideration under for the National Strategy for Quality for Improvement in

Healthcare. The NQF convened the National Priorities Partnership and developed a consensus report on input to HHS on the development of the National Quality Strategy.

Section 3014 of the Affordable Care Act also required NQF to: convene multi-stakeholder groups to provide input on the selection of quality measures, such as for use in reporting performance information to the public; and transmit multi-stakeholder input to the Secretary. It also amended the requirements for the Annual Report to include identifying gaps in quality measures, including measures in the priority areas identified by the Secretary under the national strategy and areas in which evidence is insufficient to support evidence of quality measures in priority areas. Activities required by the Affordable Care Act will be carried out from 2010 throughout 2014.

In March 2012, NQF submitted its fourth annual report to the Congress and the Secretary. The report covers the period of performance of January 14, 2011 through January 13, 2012. This notice complies with the statutory requirement for Secretarial review and publication of the fourth NQF annual report.

II. March 2012—NQF Report to Congress and the HHS Secretary

Submitted in March 2012, the fourth annual report to Congress and the Secretary spans the period of January 14, 2011 through January 13, 2012.

A copy of NQF's submission of the March 2012 annual report to Congress and the Secretary of HHS can be found at: *http://www.qualityforum.org/Publications/2012/03/2012_NQF_Report_to_Congress.aspx.*

The 2012 NQF annual report is reproduced in section III of this notice. This year's annual report has two sections. The first is entitled *2012 NQF Report to Congress Changing Healthcare by the Numbers.* The second section is entitled *NQF Report on Measure Gaps and Inadequacies.* Both sections were reviewed by the Secretary.

III. NQF March 2012 Annual Report

2012 NQF Report to Congress Changing Healthcare by the Numbers

Report to the Congress and the Secretary of the U.S. Department of Health and Human Services, Covering the Period of January 14, 2011, to January 13, 2012 Pursuant to Public Law 110–275 and Contract #HHSM–500–2009–00010C

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Letter From William Roper and Janet Corrigan

Over the last decade, Members of Congress from both parties, as well as federal and private-sector leaders, have increasingly supported the use of standardized quality measures as part and parcel of a larger healthcare value agenda. Agreed-upon strategies for improving value—healthier individuals and communities, as well as better, lower-cost care—include public reporting of standardized performance measures and linking measures to payment.

Evidence of support for this agenda includes the fact that approximately 85 percent of measures currently used in public programs are endorsed by the National Quality Forum (NQF),[1] as well as the significant use of NQF-endorsed measures by private health plans and employers. In addition, recent statutes—the 2008 Medicare Improvements for Patients and Providers Act (MIPPA) and the 2010 Affordable Care Act (ACA)—reinforce preferential use of NQF-endorsed measures on federal healthcare Compare Web sites, and linkage of endorsed measures to payment for clinicians, hospitals, nursing homes, health plans, and other entities.

In 2011, this commitment to a value agenda was significantly accelerated. Under the auspices of NQF, and in a historic first, private-sector organizations voluntarily worked in a more coordinated and collaborative fashion with each other and with the public sector to forge consensus about how to further this accountability environment. Specifically, innovations in convening and rulemaking facilitated the private sector bringing its real-world experience to inform guidance to the Department of Health and Human Services (HHS) on implementing the first-ever National Quality Strategy (NQS), and provided advice on selecting the best measures for use across an array of federal health programs. Forward-thinking leaders—including those on Capitol Hill and within HHS—understand that the public and private sectors working independently will not yield improvements quickly or comprehensively enough in our unorganized and complex healthcare system.

We are grateful to Congress, HHS, and private-sector leaders for their vision and tenacity in designing and advancing this ambitious value agenda, and for the progress we collectively are making against it each and every day. These advancements are made possible because of the ever-expanding number of organizations and individuals who are committing themselves to work in partnership, including our colleagues at HHS; the more than 450 institutional members of NQF; the hundreds of experts who volunteer to serve on NQF committees; the NQF staff; and the many, many organizations that constitute the quality movement. We are privileged to work at the intersection of so many committed and diverse organizations that are increasingly rowing in the same direction to improve both our nation's health and healthcare for the benefit of the American public.

We are changing healthcare by the numbers.

William L. Roper, MD, MPH
Chair, Board of Directors
National Quality Forum
Janet M. Corrigan, Ph.D., MBA
President and Chief Executive Officer
National Quality Forum

Executive Summary

The U.S. healthcare system is among the most innovative in the world and patients with very serious and/or unusual conditions are particularly appreciative of the range of therapies, interventions, and clinical talent it offers to treat them and restore them to health. That said, it is also one of the most fragmented, unorganized, and uncoordinated systems as compared to its counterparts in the industrialized world—which contributes to less-than-

optimal quality outcomes, serious patient safety problems, and very high per-capita costs.[2, 3, 4] Consequently, Members of Congress, business leaders from small and large companies, patients, physicians, nurses, and many others have come to the conclusion that Americans are not deriving enough value for the substantial dollars they spend.

Important strides have been made toward improving this value proposition over the last decade, starting with the *sine qua non* of using standardized performance measures to assess ''how we are doing'' on an array of healthcare quality and cost dimensions, making the measure results public, and then linking those results to provider payment. And while establishing this accountability environment is critical foundational work, it is not sufficient for achieving the kind of substantial improvements that the National Quality Strategy (NQS) envisions. Released by the Department of Health and Human Services (HHS) in March 2011 and supported by public- and private-sector healthcare leaders, the NQS is built around three compelling aims focused on healthy people and communities, better care, and more affordable care. To achieve these ambitious aims also will take fundamental reform of care delivery and payment, which, while underway, will still require time, effort, and perseverance to realize.

That said, the accountability environment's basic infrastructure is moving into place. A key lesson learned in constructing it is that neither the public nor private sectors, nor any single stakeholder, can meaningfully shape it on their own. Healthcare is too large and complex, with too many interrelated parts, for a go-it-alone strategy to be fully effective. Recent actions of healthcare leaders demonstrate that they understand that sustainable solutions to our nation's healthcare challenges are ones that all stakeholders embrace. Over the last year, significant progress has been made toward forging a shared sense of priorities for improvement; an agreed-upon way to set, continuously enhance, and implement strategies to achieve these priorities; and standardized methods for measuring progress along the way. Without such agreements, competing strategies and a plethora of near-identical measures run the risk of whipsawing providers and overburdening them with redundant and sometimes conflicting reporting requirements. In addition, such an environment can confuse consumers who increasingly seek to better inform themselves as they play a more active role in healthcare decision-making.

Congress, wisely understanding this need for a quality infrastructure and more public-private collaboration, passed two statutes that included this notion, and directed HHS to work with a consensus-based entity to act as a key convener and measurement standard setter. These statutes include the 2008 Medicare Improvements for Patients and Providers Act (MIPPA) (Pub. L. 110–275) and the 2010 Patient Protection and Affordable Care Act (ACA) (Pub. L. 111–148). HHS awarded contracts related to the consensus-based entity to the National Quality Forum (NQF).

NQF has prepared this third Annual Report to Congress which covers highlights of work related to these statutes conducted under federal contract between January 14, 2011 and January 13, 2012. See appendix A for a complete listing of deliverables worked on and completed during the contract year.

Building Consensus About What and How To Improve

In the fall of 2010, as HHS was developing the first-ever NQS, the National Priorities Partnership (NPP), convened by NQF, was asked to provide initial input on the overarching aims and priority areas and published a report. Subsequently, in response to a second request from HHS, NPP identified three goals for each of the NQS six priorities in a second report, along with appropriate performance measures, and ''strategic opportunities'' to accelerate progress. These opportunities require leveraging the reach of the many public and private stakeholder groups participating in NPP, which balances the interests of consumers, purchasers, health plans, clinicians, providers, federal agency leaders, community alliances, states, quality organizations, and suppliers. In 2011, NPP focused further on enhancing patient safety, one of the six NQS priorities and a very important focus for HHS. More specifically, NPP worked collaboratively with HHS on its Partnership for Patients initiative, through hosting quarterly meetings and an interactive webinar series, which brought tools and ideas for reducing patient harm to nearly 10,000 front-line clinicians, hospitals, and other stakeholders across the country. Moving forward in 2012, NPP will draw on the real-world experience of its partners to develop implementation strategies, likely targeting patient safety in maternity care and readmissions.

Endorsing Measures for Use in Accountability and Performance Improvement

NQF completed 11 endorsement projects during the course of the contract year—using both the NQS priorities that cross conditions and leading health conditions with respect to prevalence and cost as a way to prioritize its efforts. In total, NQF committees evaluated 353 submitted measures and endorsed 170 new measures—or 48 percent of those submitted. While the number of measures endorsed is considerably higher than in previous years, the endorsement rate is lower due to the enhanced rigor of the review criteria. At the same time, NQF placed emphasis on reducing providers' reporting burden by harmonizing specifications related to similar measures.

Currently, the portfolio of NQF-endorsed measures includes more than 700 measures, of which 30 percent assess patient outcomes and experience with care. Considerable progress also has been made in specifying measures for use with electronic health records. NQF worked with 18 measure developers to create eMeasure specifications for 113 existing endorsed measures, and released an initial and updated Measure Authoring Tool (MAT). The re-tooled measures and MAT are innovations that enable the field to get substantially closer to having electronic health records with the capacity to capture and report performance information during routine care.

Aligning Payment and Public Reporting Programs That Reward Value

A significant proportion—about 85 percent—of the measures used in federal programs are NQF-endorsed. Further, NQF-endorsed measures are used extensively by private health plans, state governments, and others. Such alignment can simultaneously reduce reporting burdens for providers and accelerate improvement because of the common signals that payers send. The NQF-convened Measure Applications Partnership (MAP), launched in the spring of 2011, fostered further alignment with its series of three performance measurement coordination strategy reports: *Clinician Performance Measurement, Dual-Eligible Beneficiaries,* and *Healthcare-Acquired Conditions and Readmissions Across Public and Private Payers.* As a part of these reports, MAP also developed a framework and criteria to guide the selection of the best measures for use in numerous payment and public reporting

programs. Building on these reports, MAP then provided pre-rulemaking guidance to HHS, including input on measure sets pertaining to 17 HHS programs, as well as strategies for enhancing consistency and minimizing reporting burden across federal programs and between public- and private-sector efforts. Leaders from nine different HHS agencies are actively participating in MAP.

This advice from MAP—provided many months in advance of relevant rules—represents a true innovation in rulemaking, with the public and private sectors now having forums for substantive back-and-forth dialogue that cuts across program silos, and a unique opportunity to build a shared perspective and consensus about measure selection. Measures related to care coordination—essential to making care more patient centered—are an object lesson for what is possible with pre-rulemaking convening and endorsement. More specifically, MAP recommended that an existing care transitions measure focused on hospitals also be used in other settings, and suggested a broadening of a readmission measure to include all ages and applicability to additional kinds of providers. MAP also advised the Center for Medicare & Medicaid Services (CMS) to require reporting of medication reconciliation measures at the time of transition between settings. As it turns out, NQF has already endorsed measures for medication reconciliation, readmission, and care transitions that apply to additional settings and populations so these measures can move right into other federal programs.

Taken together, the reports are important stepping stones for MAP as the Partnership works on a comprehensive measurement strategy it will recommend to guide HHS measure selection for federal programs in the coming years. This strategy will be informed by the Partnership's in-depth understanding of current measures and their use in relevant programs, opportunities for potential coordination and integration, growing collaboration across the public and private sectors, and a vision for the future.

Numbers are an essential guidepost for gauging healthcare performance, and measures may be a powerful motivator of change when paired with public reporting and payment. But alone, they cannot drive achievement of the value agenda. Rather, implementation of innovative measures needs to go hand-in-glove with fundamental redesign of delivery and payment systems to achieve the NQS' three, interconnected aims. And while local communities are changing the way care is organized and paid for to break down existing silos, facilitate integration and coordination of care, and connect healthcare to other sectors (e.g., employment, education), such innovations have not yet swept the country. When they do, and are coupled with accountability strategies embraced by the public and private sectors, we will be able to achieve our goals of healthier people and communities, and better, less-costly patient care. We will have then changed healthcare by design and by the numbers.

1 National Quality Forum: Background

More than a decade after their publication, the Institute of Medicine's (IOM's) landmark *Quality Chasm* and *To Err is Human* reports still resonate: Our healthcare system continues to fall short on quality, safety, and affordability. That said, recent years have seen a re-energized commitment to improving care and constraining healthcare costs. HHS, NQF, and the increasing number of private-sector organizations that constitute the quality movement are at the center of that resurgence.

Established in 1999 as the standard-setting organization for healthcare performance measures, NQF today has a much-broadened mission to:

- Build consensus on national priorities and goals for performance improvement, and work in partnership with the public and private sectors to achieve them.
- Endorse and maintain best-in-class standards for measuring and publicly reporting on healthcare performance quality.
- Promote the attainment of national goals and the use of standardized measures through education and outreach programs.

NQF is governed by a 27-member Board of Directors (see Appendix B) from a diverse array of public- and private-sector organizations. A majority of seats on the board is held by consumers, employers, and other organizations that purchase healthcare services on consumers' behalf. In 2011, NQF convened hundreds of experts across every stakeholder group on its priority-setting, measure-review, and measure-selection committees—individuals who volunteered their time, talents, experience, and insights (see Appendix F). NQF also directly reached some 10,000 frontline clinicians, hospitals, and others with educational programming via webinars. And its endorsed performance standards touched the care delivered to millions of patients every day.

In recent years, the number and variety of NQF-endorsed measures has greatly expanded. More than 700 NQF-endorsed measures now address most settings of care, conditions, and types of providers. The measures portfolio includes clinical process measures, patient experience of care, the actual outcomes of care, the costs and resources that go into providing care, as well as select structural measures. The portfolio is being enhanced with advanced measures, such as functional outcome and crosscutting care-coordination measures. At the same time, the NQF portfolio is being carefully culled to retire measures that no longer meet the more rigorous criteria. In the last year alone, 353 measures were submitted to NQF and 170, or nearly half, were endorsed. This endorsement rate—or ratio of submitted-to-endorsed measures—reflects NQF's efforts to systematically raise the bar on performance measurement, even as it seeks to reduce the burden on providers by eliminating duplicative measures.

To be NQF endorsed, a measure must be a process or outcome that is important to measure and report, be scientifically acceptable, be feasible to collect, and provide useful results. NQF conducts an eight-step, consensus-based process that has been continually improved over a decade (see Appendix C). Review committees are comprised of multiple stakeholders; consumer organizations are equal partners with clinicians and other stakeholders throughout the process. There is a strong commitment to transparency and NQF invites public participation at every step, ranging from nominations for committees, to decisions on specific measures. Endorsed measures are re-evaluated every three years to ensure their actual use and usefulness in the field and their continuing relevance with current science, and to determine whether they continue to represent the best in class.

Measures included in the NQF portfolio are developed and maintained by about 65 different organizations. The following gives a sense of the range of organizations NQF works with: CMS, the National Committee on Quality Assurance (NCQA), the American Medical Association-Physician Consortium for Performance Improvement (AMA PCPI), Ingenix, the Joint Commission, American College of Surgeons (ACS), Bridges to Excellence, Cleveland Clinic, Minnesota Community Measurement, and Pharmacy Quality Alliance.

In recognition of its skill in building consensus across multiple stakeholders in the measure-endorsement realm, NQF

has been asked to convene diverse committees to advise the public and private sectors on priorities for improvement, related implementation strategies, and selection of measures to both drive these strategies and gauge results. The NQF-convened NPP and MAP and their published reports are tangible outcomes of this work. An equally important outcome of these partnerships is the ongoing alignment across stakeholder groups and across public- and private-sector leaders about what levers to use to both improve healthcare performance and move the delivery system to be more patient centered.

NQF has been fortunate to have received support from the federal government for over 10 years, with more substantial support starting in 2008 when federal leaders strongly committed themselves to designing and implementing a value agenda. More specifically:

- MIPPA has provided NQF with $10 million annually over a four-year period starting in 2009. These funds—awarded to NQF through a competitive process—are supporting the organization's efforts to identify priority areas for improvement, endorse and update related performance measures, foster the transition to an electronic environment, and report annually to Congress on the status and progress to date of this effort.
- ACA has provided NQF with support of about $10 million, starting in 2011. Under section 3014, Congress directed HHS to contract with ''the consensus-based entity under contract'' to provide multi-stakeholder input into the NQS, as well as advice to the Secretary of HHS on the selection of measures for use in various quality programs that utilize the federal rulemaking process for measure selection. With federal leadership and support, as well as the support of foundations and over 450 NQF member organizations, much has been collectively accomplished since NQF's founding in 1999. With more substantial and predictable support from the federal government over the last three years, and an enhanced commitment on the part of the public and private sectors to work together, the basic infrastructure for performance measurement is moving into place and our ability to shape and further an environment of accountability has grown. NQF's accomplishments during 2011 will be described against that backdrop.

Sidebar 1—Working With NQF Helped Spur Rapid Evolution of Ophthalmology Measures

There are many intangible benefits from the endorsement activities supported under the HHS contract. One of these is that it provides valuable input to measure developers which helps focus measure development resources on important gap areas. The efforts of the American Academy of Ophthalmology (AAO) are a case in point.

As early as the 1980s, and before many other specialty societies, AAO developed ''preferred practice patterns'' to provide practice guidance for ophthalmologists. These guidelines proved to be a solid foundation to draw from when, in 2006, AAO began developing related quality measures for quality improvement feedback and public reporting purposes. Over the last five years, AAO has developed ever more sophisticated performance measures—evolving from process, to outcome, to functional status—and credits involvement with the NQF review process as an important catalyst in this evolution.

More specifically:

- AAO—in collaboration with the AMA–PCPI—first worked to develop process measures focused on eye-care issues such as diabetic retinopathy (damage to the eye's retina as a result of long-term diabetes), and performance of optic nerve exams in primary open-angle glaucoma (chronic, progressive optic-nerve damage) patients.
- Recognizing that measures that evaluate actual results of care are more critical to improving quality, NQF encouraged AAO to shift its focus to developing clinical outcome measures. As a result, NQF later endorsed a measure focused on reducing glaucoma patients' eye pressure (which can lead to optic-nerve damage or blindness) by 15 percent.
- More outcome measures were later developed and endorsed under the HHS-funded outcomes project, focusing on issues such as complications within 30 days following cataract surgery, as well as 20/40 or better visual acuity within 90 days of cataract surgery.
- Recently, the NQF board has approved measures related to patient functional status, attempting to measure improvement in patients' visual functional status and their overall satisfaction within 90 days following cataract surgery. These measures are currently under NQF review, and have been included in the 2012 Physician Quality Reporting System (PQRS) measure set.

Dr. Flora Lum, executive director of AAO's H. Dunbar Hoskins Jr., MD Center for Quality Eye Care, noted that NQF's ability to bring patient and consumer perspectives to the Steering Committee responsible for evaluating measures has been invaluable over the years. AAO's efforts to advance healthcare quality continue, with the organization now striving to develop appropriateness-of-care measures.

The evolution of AAO's measures over a short time period is noteworthy and the information that results from the measures provides physicians with multi-faceted feedback about the care they deliver. Ideally, such information is available in rapid-response reports, with educational interventions to help facilitate improvements at the practice level, and over time, so that ophthalmologists and patients can gauge progress. As AAO has gone on this journey to develop ever-increasingly sophisticated and meaningful measures, NQF has been pleased to be a part of it. [*End of Sidebar 1]*

Sidebar 2—Resource-Use Measures: Critical to the Value Agenda

U.S. healthcare per-capita spending is greater than that in any other country, yet it has not resulted in better health for Americans. With costs increasing beyond annual inflation, spending is largely focused on treating acute and chronic illnesses rather than prevention and health promotion.

Deriving more value from health spending is predicated on having both quality and cost (or resource use) information. To date, limited information about resource use exists. CMS and many measure developers are working to change that, and in 2009, NQF was tasked with further defining resource-use measures and identifying important attributes to consider when evaluating them. NQF also endorsed its first-ever resource-use measures during the 2011 contract year.

As defined by NQF, resource-use measures are comparable measures of actual dollars or standardized units of resources applied to the care given to a specific population or event—such as a specific diagnosis, procedure, or type of medical encounter. The endorsed measures:

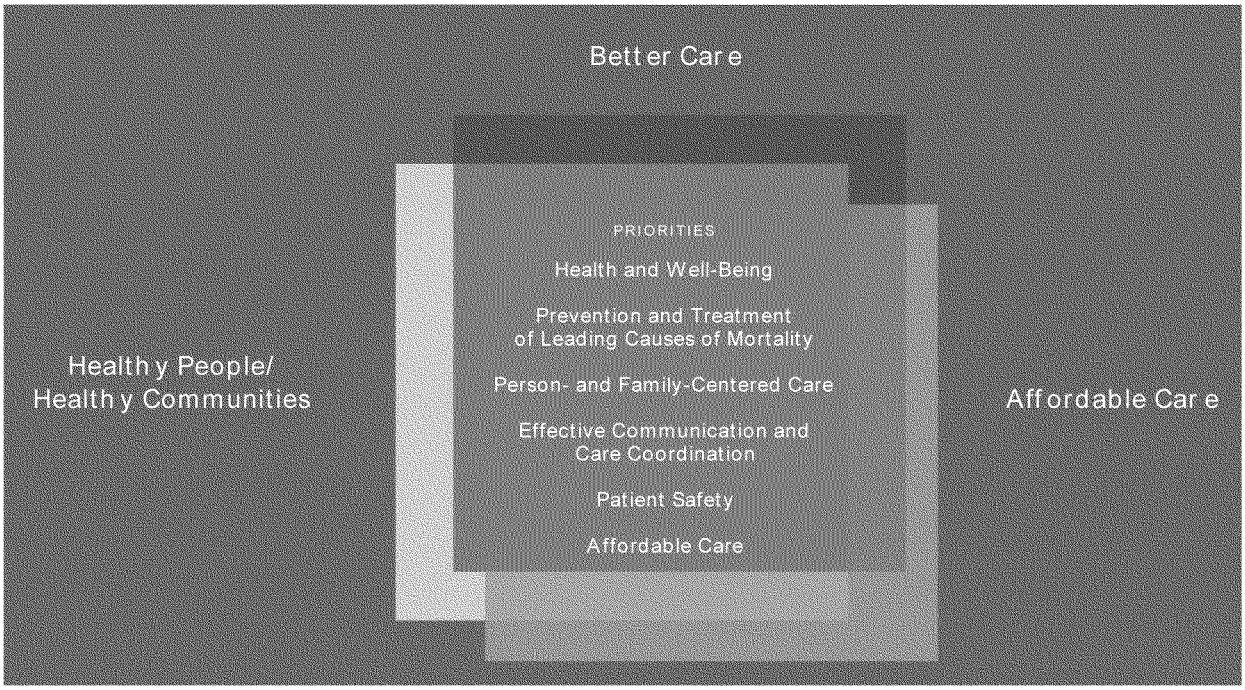
- Relative Resource Use for People with Diabetes
- Relative Resource Use for People with Cardiovascular Conditions
- Total Resource Use Population-Based Per-Member Per-Month (PMPM) Index
- Total Cost of Care Population-Based PMPM Index

''The endorsement of standardized measures of healthcare resource use and cost fills a huge void that has kept the nation from measuring the value of healthcare in a consistent way,'' said Steering Committee member Dolores Yanagihara, director, pay for performance, at the Integrated Healthcare Association. ''That said, it is a complex process, both technically and from an accountability standpoint. The measures recommended for endorsement give us a broader picture of healthcare—overall and related to specific conditions.'' *[End of Sidebar 2]*

2 Bridging Consensus About Improvement Priorities and Approaches

Released by HHS in March 2011, the country's NQS focuses the public and private sectors on an inspiring set of three, interconnected aims—better care, more affordable care, and healthier people and communities—as well as six related priority areas (see Figure 1). While the field has long targeted improving clinical care, the NQS gives significant, equal heft to the notion of health/wellbeing and affordability.

Figure 1: NQS Aims and Priority Areas



The NQS provides a critical framework for the efforts of the multiple-stakeholder committees convened by NQF. These efforts range from discussions at the highest, most conceptual levels about a three-to-five-year measurement strategy to undergird the evolving value agenda; to committees working in a new measurement area and developing consensus about what and how to measure; to those simultaneously enhancing and culling a set of measures in an established area, while considering their larger context within the NQF-endorsed measurement portfolio.

National Priorities Partnership

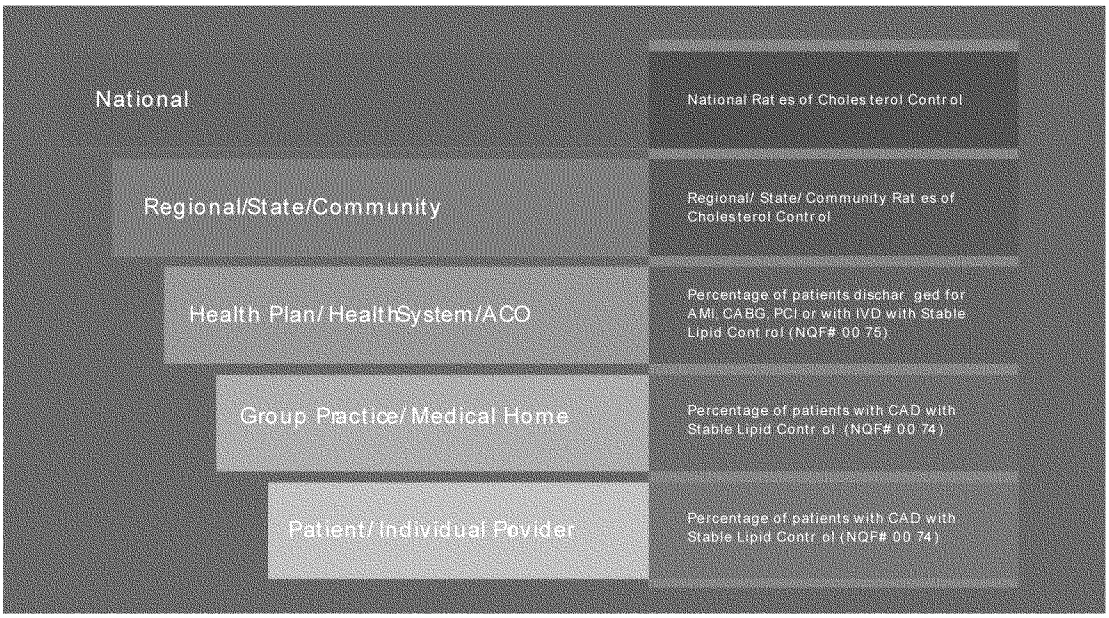
Development of the landmark NQS was informed by the collective input of the NQF-convened National Priorities Partnership (NPP), a collaboration of 51 public- and private-sector organizations uniquely qualified to represent the array of stakeholders needed to improve the nation's healthcare system. As the NQS was being formulated, HHS sought multi-stakeholder input from NPP on its aims and priorities. After publication of the NQS in March 2011, HHS again reached out to NQF to convene NPP to provide input on further specifying goals, measures, and implementation pathways to move the national strategy and related priorities forward, drawing upon the real-world experience of its stakeholder participants.

The NPP recommendations are captured in a follow-up report to the HHS Secretary, *Priorities for the National Quality Strategy,* published in September 2011. This second report identifies goals and measure concepts that address the three NQS aims and six priorities simultaneously. For example, there are suggestions for goals and measurement areas related to care coordination that cut across clinical conditions. This would encourage better, more integrated care delivery, enhanced health outcomes, and fewer wasted resources. The NPP report also acknowledges that successful implementation of NQS-related goals and measures are predicated on strategic and technical measure alignment—or agreement—across various levels of accountability in our healthcare system. This starts at the most granular level—the patient and physician—and moves in a linked chain across a family of measures and levels of increasing aggregation. Without agreement about strategic direction and concordance on measure selection, a predictable cacophony results, frustrating clinicians and confusing consumers. The cholesterol-control example (Figure 2) provides an illustration of a family of measures with linkages across levels and illustrates this crucial strategy of alignment. Further, these NQF-endorsed measures are included in HHS's newly launched and broad-based Million

Hearts Campaign—a public-private initiative that aims to prevent one million heart attacks and strokes in five years.

In addition to NPP's consultative role as it relates to the NQS, NPP has served as a catalyst in developing implementation strategies—working across diverse stakeholder groups to spur collective action—focused on improving patient safety and reducing patient harm. Such a focus also can reduce costs, with the IOM estimating that decreasing healthcare-associated infections (HAIs), complications, and unnecessary readmissions by 10 to 20 percent could result in $2.4 billion to $4.9 billion annual savings for the U.S. healthcare system.[5]

Figure 2: Family of Cholesterol Control Measures



NQF's Focus on Safety

In 2011, NQF's work in the safety realm spanned updating of measures and serious reportable events (SREs), a recommended approach for further aligning public- and private-sector patient-safety measurement strategies, and development of implementation strategies in support of HHS's Partnership for Patients Initiative.

Partnership for Patients is engaging stakeholders from the private and public sectors to reduce all-cause harm (i.e., all forms of harm that can affect patients) and hospital readmissions. More specifically, NPP partnered with the Partnership for Patients to host 11 webinars that attracted about 10,000 frontline clinicians, hospitals, and others across the country and provided education, tools, resources, and insight on key safety issues. These webinars ranged from big-picture interventions (e.g., how to get your Board on board when it comes to improving patient safety), to those with a more laser focus on clinical teams (e.g., reducing surgical-site infections [SSIs]). Nearly 90 percent of webinar participants, who came from every region of the country, reported that they would be able to implement something new in their institutions as a result of this novel public-private programming. Moving forward in 2012, NPP is developing two action pathways, which its multiple partners can implement and spread. These pathways are focused on the health of mothers and babies by reducing elective deliveries before 39 weeks, and reducing avoidable admissions and re-admissions across all settings of care. These represent 2 of the 10 areas Partnership for Patients is pursuing to achieve its global safety and harm-reduction goals. Reaching these goals also will substantially reduce costs.

In addition, MAP released a report, *Coordination Strategy for Healthcare-Acquired Conditions and Readmissions Across Public and Private Payers,* in October 2011, detailing the ways in which public and private healthcare providers can align performance measurement to enhance patient safety. Specifically, the report makes three recommendations: (1) There needs to be a national set of core safety measures applicable to all patients; (2) Data need to be collected on all patients to inform these national core safety measures; and (3) Public and private entities need to coordinate their efforts to make care safer. MAP's recent pre-rulemaking report further emphasizes the importance of safety measures by supporting their inclusion in federal public reporting and performance-based payment programs, and MAP will focus on alignment of core safety measures across programs in 2012. With respect to measure review, NQF endorsed numerous patient-safety measures, including healthcare-associated infections (HAIs), which now address long-term, acute-care and rehabilitation hospitals, and radiation-safety measures, to name a few.

NQF also updated its list of SREs, a compilation of serious, harmful, and largely—if not entirely—preventable patient-safety events, designed to help the healthcare field assess, measure, and report performance in providing safe care. In the 2011 update, the events were broadened in focus to explicitly include hospitals, office-based practices, ambulatory surgery centers, and skilled nursing facilities to reflect the various settings in which patients receive care and could experience harm. Based on input from users, the implementation guidance for each event was expanded, and a glossary was added to facilitate

uniformity in reporting of the events. The list includes wrong-site surgery; death or serious injury associated with medication errors or unsafe blood products; and failure to follow up on lab, pathology, or radiology test results. Public and private purchasers have drawn heavily from the SRE list in identifying healthcare-associated conditions for use in payment and reporting programs. (See Sidebar 3.)

Sidebar 3—NQF and Patient Safety

Patient-Safety Measures

NQF's inventory of endorsed measures includes more than 100 patient-safety measures, with several focused specifically on healthcare-associated infections or HAIs. Preventing HAIs has become a national priority for public health and patient safety. To date, 27 states are requiring public reporting of certain HAIs. Further, the NQS has identified safer care as one of its primary aims and, in 2013, hospitals' annual Medicare payment updates will be tied to submission of infection data, including central line-associated bloodstream infections and surgical-site infections (SSIs).

In this past year, NQF endorsed four additional patient-safety measures focused on HAIs, including a successfully harmonized measure from the American College of Surgeons and the Centers for Disease Control and Prevention focused on SSIs, and updates of existing HAIs addressing urinary tract infections and bloodstream infections. These efforts were completed under federal contract.

Serious Reportable Events

Preventing adverse events in healthcare is also central to NQF's patient-safety efforts. To ensure that all patients are protected from injury while receiving care, NQF has developed and endorsed a set of serious reportable events (SREs). This set is a compilation of serious, harmful, and largely—if not entirely preventable—patient safety events, designed to help the healthcare field assess, measure, and report performance in providing safe care. The SREs focus on the following areas:

- Surgical or invasive-procedure events
- Product or device events
- Patient-protection events
- Care-management events
- Environmental events
- Radiologic events
- Potential criminal events

Originally envisioned as a set of events that would form the basis for a national state-based reporting system, the SREs continue to serve that purpose. To date, 26 states and the District of Columbia have enacted reporting systems to help stakeholders identify and learn from SREs. The majority of those states incorporate at least some portion of NQF's list to help align reporting efforts and encourage learning across healthcare systems. *[End of Sidebar 3]*

Finally, NQF launched a project in 2011 that will leverage health IT data to address patient safety and quality concerns associated with medical devices, such as pumps used to deliver intravenous medications at home. This project, which continues in 2012, will determine what data needs to be collected and shared to improve quality and safety related to devices. It also will focus on ways to identify and report adverse events associated with the use of such devices.

3 Endorsing Measures and Developing Related Tools

With its extensive evaluation (see Sidebar 4) and multi-stakeholder input, NQF is recognized as a voluntary consensus standards-setting organization under the National Technology Transfer and Advancement Act of 1995. In addition, NQF adheres to the Office of Management and Budget's formal definition of consensus.[6] Consequently, NQF-endorsed measures have special legal standing allowing federal agencies to readily adopt them into their programs, which they have done at a striking rate. About 85 percent of measures in federal health programs are currently NQF-endorsed, including those that apply to hospitals, clinicians, nursing homes, patient-centered medical homes, and many other settings.

In 2011, NQF completed 11 endorsement projects—reviewing 353 submitted measures and endorsing 170, or 48 percent. Enhancements to the endorsement process over the last year included strengthening its rigor by requiring testing of measures prior to measure review, initiation of a project to reduce endorsement cycle time, integration of review of existing measures with new measures to ensure harmonization and best-in-class assessment, and creation of an expedited review process to respond to important regulatory or legislative requests. In addition, NQF worked with 18 measure developers to update 113 electronic measures, or eMeasures, so they could be more readily collected through EHRs, and introduced and updated tools to respectively facilitate development and collection of eMeasures.

Sidebar 4—What does it take for a measure to get endorsed?

With the enhanced rigor of NQF's endorsement criteria, only about 50 percent of submitted measures were endorsed this past year.

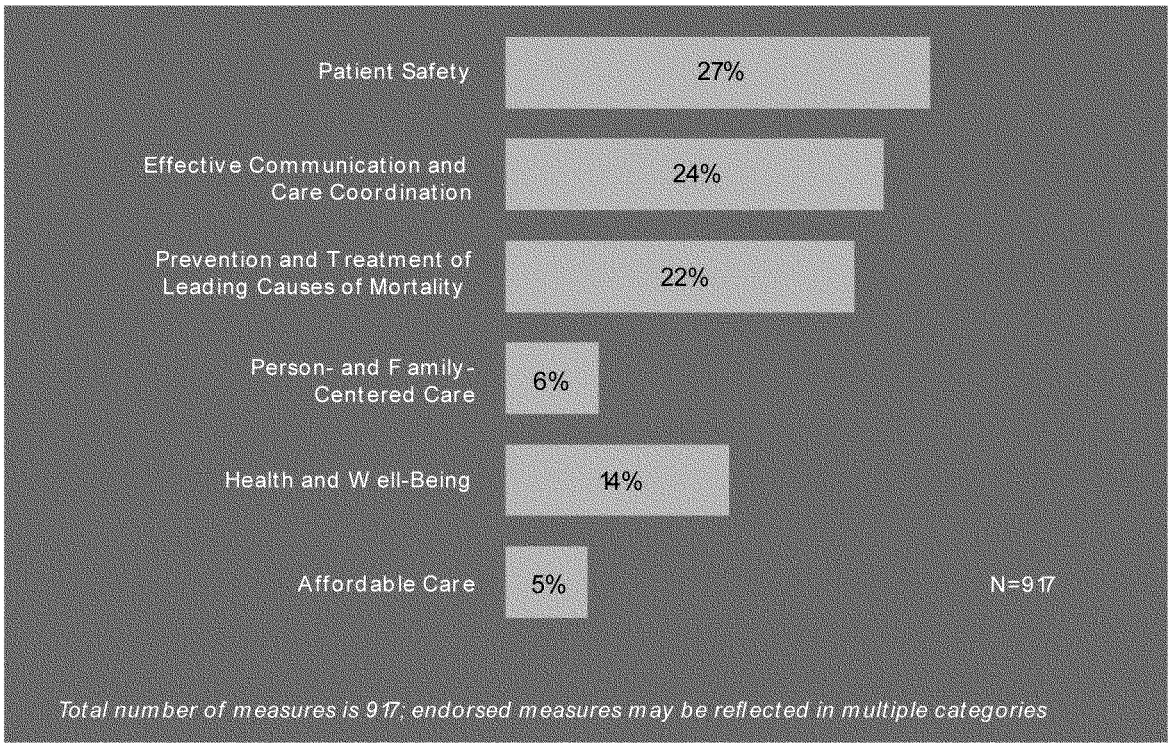
The leading reason that measures do not pass the grade is failure to meet the ''must pass'' importance-to-measure-and-report criterion. This includes being able to demonstrate that the proposed measure or related data is focused on a high-impact health goal or priority; there is less-than-optimal performance; and there is strong scientific evidence for the measure, with respect to quality, quantity, and consistency. NQF expert committees rate the evidence based on specific guidance.

The second ''must pass'' criterion is scientific acceptability of measure properties. In other words, do the data from testing the measure show that it is reliable and valid and precisely specified? Expert committees look for moderate-to-high ratings so they are confident the measure results are reliably consistent and can be compared across providers and analyzed longitudinally. Other important criteria include usability and feasibility—assessing whether intended audiences can understand the results and find them helpful for decision-making and quality improvement. The criteria also consider whether providers can collect data without undue burden. See Appendix C for more detail. *[End of Sidebar 4]*

NQF Endorsement in 2011

The overall framework used to guide the NQF measures portfolio is multi-dimensional. It includes the NQS crosscutting priorities, as well as leading health conditions with respect to prevalence and cost that affect an array of populations. Figure 3 provides a snapshot of how the current NQF-endorsed measures portfolio stacks up against the NQS, with the percentages reflecting the proportion of NQF-endorsed measures against the six priorities. Some measures are counted in multiple priority areas. The chart shows gaps in emerging measurement areas, including patient-family centered care, measures related to community health and wellbeing, and affordability. These gaps require significant foundational work to understand what to focus on for measurement and how to best overcome technical barriers. NQF has undertaken this foundational work over the last year, and has started to bring in measures in all of these areas for endorsement review.

Figure 3: Percent Of NQF-Endorsed Measures Mapped to One or More NQS Priorities



The 170 measures newly endorsed by NQF in 2011 include many outcome measures; measures that focus on populations previously under-represented, including pregnant women and children; a number of patient-safety measures—given the importance of reducing patient harm; measures in new areas that fill important gaps, such as cost (resource use); as well as the updating of measures related to highly prevalent conditions, (e.g., cardiac and surgical care). More specifically:

Outcome Measures

NQF has made great strides over the past year to endorse measures that evaluate results of care, particularly in the patient-safety, nursing-home, and surgical-care areas. Outcome measures are considered most relevant to patients and providers looking for improved quality and patient experience, as opposed to measures that assess process or structure. Examples of outcome measures endorsed in 2011 include potentially avoidable complications for select conditions (i.e., stroke, pneumonia), remission of symptoms in patients with depression, and patient experience in nursing homes and dialysis facilities.

Patient-Safety Measures

Long a focus of NQF, these new patient-safety measures span settings and types of conditions. They include measures focused on HAIs (urinary tract, central-line-associated bloodstream, and SSIs), and measures focused on issues such as standardized data collection and reporting of radiation doses.

Maternal and Child-Health Measures

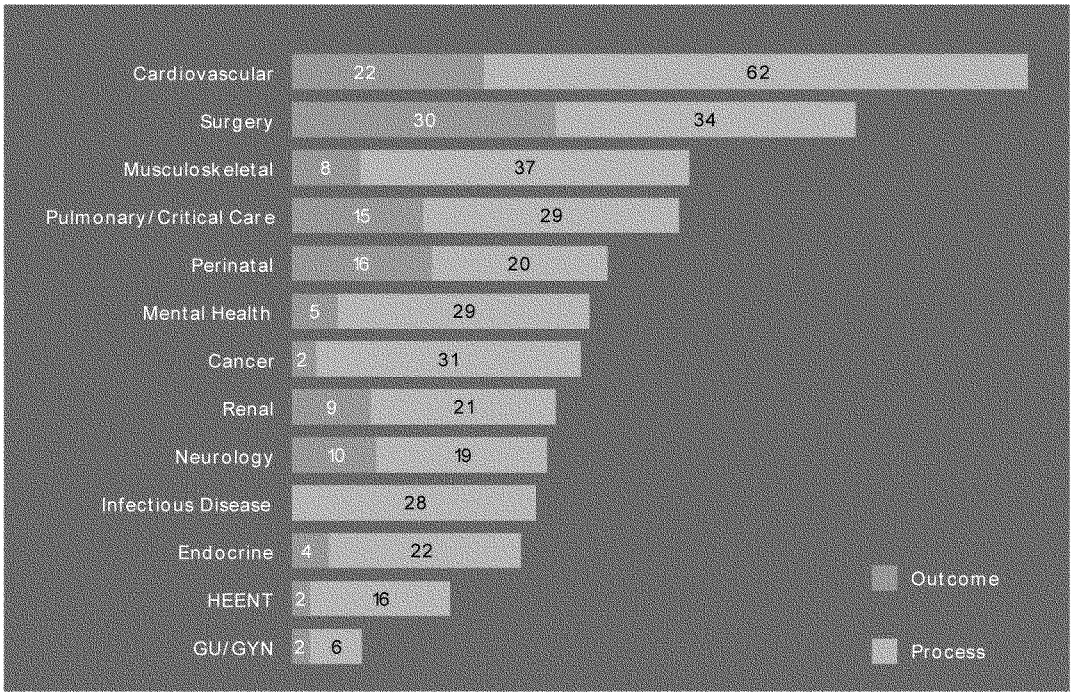
These populations have been underrepresented in performance measurement. NQF has worked to fill these gaps through two endorsement projects over the past year—child health, and perinatal and reproductive health. Child-health measures focus on important screenings and access to care, including immunizations, hearing assessments, and well-child visits. Other measures address population health outcomes, including the number of school days missed due to illness and birth outcomes. Proposed perinatal measures (this project is still underway) address procedures such as cesarean sections and elective delivery prior to 39 weeks.

New and Existing Measurement Areas

NQF reviewed measures related to resource use, both those related to conditions (e.g., diabetes and cardiovascular disease), and those related more to global resource use. Endorsement projects in 2011 also focused on reviewing existing measurement areas for high-prevalence conditions or areas (palliative care and end-of-life care, cardiovascular disease and kidney disease), adding new measures, and retiring others as the expert committees saw fit. More specifically, NQF endorsed or maintained measures focused on optimal vascular care, complications or death for specific surgical procedures, and assessment of post-dialysis weight by nephrologists for kidney disease patients. Although NQF has made considerable progress in endorsing outcome measures—which constitute about 30 percent of the portfolio—differences exist with respect to outcome and process measures across conditions, which is illustrated in Figure 4. For example, there are more outcome measures for surgery and perinatal care than for mental health and cancer care. Also, HAIs are reflected under surgery, not infectious disease.

When NQF begins to address a new measurement area, the relevant expert committee will often start by developing a framework report to guide its future measurement review. These reports may include a scan of existing measures, a discussion about where there are key opportunities for improvement, and consideration of potential technical barriers. For example, NQF is developing a population health-measurement framework aimed at aligning delivery system, public health, and community stakeholder efforts to improve health outcomes and the social determinants of health. Historically, there has been little coordination across these sectors. NQF is also developing a patient-centric measurement framework for assessing the efficiency of care provided to individuals with multiple chronic conditions. This report will inform NQF's future efforts to endorse measures that apply respectively to population health and care for people who have more than one chronic condition.

Figure 4: NQF-Endorsed Measures: Process and Outcome measures BY clinical Areas



Culling the NQF Portfolio

A key part of NQF's review process is focusing on endorsing best-in-class measures and eliminating similar or even identical measures that create confusion and burden across clinical settings and providers. This alignment of very similar measures—or measure harmonization—can reduce reporting burden for providers and enhance comparability of results for patients and payers, thereby reducing confusion and enabling decision-making. The harmonization of the surgical site infection measures from the Centers for Disease Control and Prevention and the ACS is a case in point (see Sidebar 5). Further, NQF's maintenance process retires existing measures that no longer meet the higher endorsement bar, thereby further culling the portfolio.

Sidebar 5—Harmonizing Surgical-Site Infection Measures

As part of NQF's federally funded Patient-Safety Measures project, similar and competing surgical-site infection (SSI) measures from the Centers for Disease Control and Prevention (CDC) and the American College of Surgeons (ACS) were reviewed. The CDC SSI measure has been in use since 2005; the ACS measure since 2004.

As a result of NQF member and public comments, and requests by the Steering Committee, the developers worked with NQF support to harmonize these two competing approaches to measurement. The result is a newly harmonized SSI measure, which is currently focused on abdominal hysterectomies and colon surgeries. CDC and ACS will jointly maintain the measure. The two organizations have also committed to developing harmonized measures for other procedures and will incorporate them into the combined SSI measure.

Notably, CMS has selected this harmonized measure for inclusion in the 2012 final rule of the Inpatient Prospective Payment System (IPPS).

Dr. Clifford Ko, director of ACS's National Surgical Quality Improvement Program, was directly involved in this effort. Dr. Ko noted that the resulting measure—Harmonized Procedure-Specific Surgical-Site Infection Outcome Measure—will now be available to literally thousands of hospitals that want to measure and improve their surgical-site infection rates.

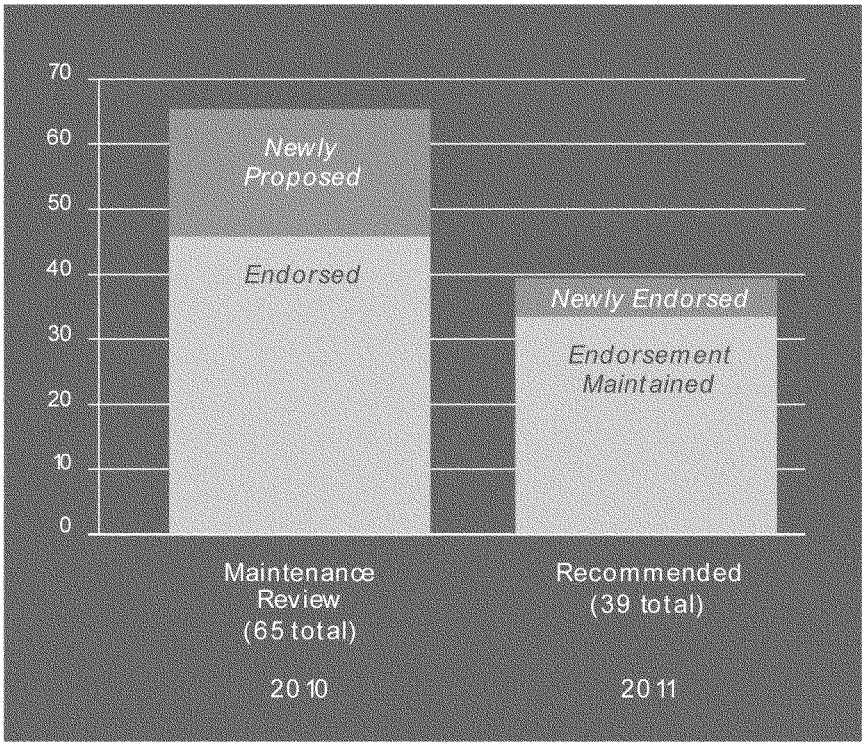
Dr. Daniel Pollock, surveillance branch chief in CDC's Division of Healthcare Quality Promotion, says CMS' decision to include this measure will significantly increase SSI reporting rates in hospitals throughout the country. With increased reporting, providers will have more opportunities to identify areas for improvement. In addition, patients and payers will have SSI rate information when they are choosing between hospitals in a community.

While both Drs. Ko and Clifford noted that some characteristics of the original measures may be diminished or lost,

they agreed that harmonized measures help eliminate the confusion non-comparable measures create and that, ultimately, providers, payers, and the public benefit. *[End of Sidebar 5]*

The recent Cardiovascular Project illustrates how NQF expert committees now consider new measures against existing endorsed measures. Using the measure evaluation criteria and guidance on evaluating related and competing measures, the Cardiovascular Committee reviewed proposed new measures and those undergoing maintenance, focusing on measures that address the broadest patient population or settings, while avoiding duplication whenever possible. Based on this rigorous vetting, 39 out of 65 measures (7 new and 32 undergoing maintenance) were endorsed (see Figure 5). When all is said and done, between 2010 and 2011 this represents approximately 13 percent fewer NQF-endorsed cardiovascular measures in this project.

Figure 5: Update of cardiovascular measures



Enhancing NQF Endorsement

As NQF's measures portfolio evolves, so too does its endorsement process. In 2011, NQF enhanced the rigor of its process by requiring that measures be tested before they are reviewed. This requirement now ensures that expert committees have crucial information about measure reliability and validity as they consider endorsement. In addition, NQF also established an approach that added greater consistency to review of the underlying evidence for measures, and created an expedited endorsement pathway to be responsive to key regulatory or legislative requests. Finally, NQF embarked upon a number of efforts to enhance effectiveness of the review process, including a lean effort to further reduce endorsement cycle time. This effort, which got underway in late 2011, maps each of the steps of the endorsement process to drive out redundancy, waste, and ultimately costs for measure developers, NQF, and HHS.

The Information Technology Accelerant

A future healthcare system that fully embraces health information technology (HIT) will allow for performance data to be collected in real time across settings, integrated, and regularly fed back to providers to inform practice and decision-making. It also will allow performance information to be made accessible in aggregated, de-identified, and timely public reports for payers and patients. Recent federal efforts—to simultaneously wire ambulatory practices and hospitals and assess providers' ''meaningful use'' of electronic health records (EHRs)—have been important steps on the path to a future HIT-enabled system.

Such milestones have been augmented by a number of NQF efforts that are helping the field move to a common electronic data platform that allows for the collection of more clinically relevant and actionable performance-measurement data. These HIT-enabled environments hold out the promise of reducing reporting burden for clinicians and other providers, and enhancing the precision and comparability of results.

In the past year, NQF has worked with measure developers to re-specify paper-based measures for EHRs, and developed tools that allow measure developers to marshal the building blocks necessary for their successful implementation. In both cases, these efforts broke new ground. To the best of NQF's knowledge, they have never been attempted—or accomplished—before. More specifically:

E-Measures

In 2010, at the request of HHS, NQF worked with 18 measure developers to re-tool 113 existing, endorsed measures for the electronic environment—that is,

to develop electronic specifications that allow an EHR to calculate the measure—so they could be included in the Meaningful Use program. These eMeasures were further updated and enhanced in 2011. The measure stewards and NQF found that re-tooling measures for a new (electronic) platform was not a simple, straightforward matter; rather it involved the stewards re-conceptualizing each of the measures, with the support of NQF.

Quality Data Model (QDM)

This information model provides measure developers with a first-ever ''grammar,'' which defines data elements. These data elements can then be efficiently assembled and re-assembled into performance measures to be read by EHRs. Work on the QDM began in 2007, with funding from the Agency for Healthcare Research and Quality (AHRQ). In 2011, the third version of the QDM was released, which includes data elements to enable development of measures in gap areas, including patient/consumer engagement and disparities, as well as new methods of data capture and use. In summary, this effort makes a substantial contribution toward being able to more readily leverage existing electronic health-record data to produce clinically relevant, advanced measures.

Measure Authoring Tool (MAT)

This non-proprietary, web-based tool makes it easier and more efficient for measure developers to specify, submit, and maintain electronic measures, or eMeasures. Introduced in 2011, there are now more than 35 organizations using this tool for eMeasure development.

Work that began in 2011 and carries over into 2012 includes a project focused on sharing data across settings, convening a forum for stakeholders to share best practices related to implementation of eMeasures, and a project that will leverage health IT data to address patient safety and quality concerns associated with medical devices, which was described previously. More specifically, with respect to the first two projects:

HIT Systems To Support Care Coordination Measurement: Data Sources and Readiness

This project is analyzing the current process for identifying and sharing data on significant patient factors, planned interventions, and expected outcomes (care goals) to support quality measurement related to transitions of care. It will recommend a critical path forward with specific action steps that the government can take to enable electronic measurement around care plans.

E-Measure Collaborative

The eMeasure Collaborative, a public forum convened by NQF, is bringing together stakeholders from across the quality enterprise. The eMeasure Collaborative's goal is to promote shared learning and advance knowledge and best practices related to the development and implementation of eMeasures.

4 Aligning Accountability Programs To Enhance Value

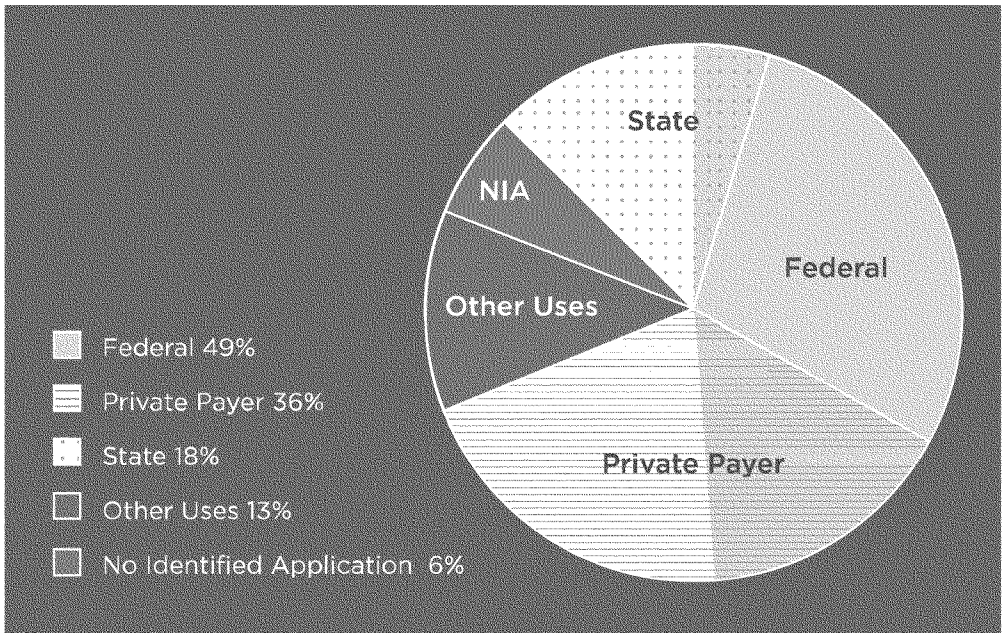
At the request of HHS, NQF commissioned RAND Health to conduct an initial evaluation to better understand who is using NQF-endorsed measures and for what purposes. The RAND studies—coupled with NQF's own internal tracking efforts to understand measure use—have helped to provide some important context for HHS, NQF, and the NQF-convened MAP discussions.

Growing Use of NQF-Endorsed Measures

RAND interviews of key stakeholders using NQF-endorsed measures and online research across approximately 75 varied organizations found that nearly all used NQF-endorsed measures, although the extent varied as did the particular measures selected for use. Further, the study showed that most organizations used endorsed measures in quality-improvement efforts, followed closely by public reporting, then payment programs. The 2011 study also found that there is a strong preference to use NQF-endorsed measures where they exist because they are vetted, evidence-based, and seen as more credible within the provider community

NQF's additional research outside of the HHS contract indicates that about 90 percent of the portfolio of NQF-endorsed measures is being used in varied programs across the public and private sectors. Figure 6 is an estimation of the use of NQF-endorsed measures by: federal programs; private payers such as health plans and employers; states; and an amalgamation of other key stakeholders such as national registries, accrediting and specialty board certifying organizations, and community alliances. The gold-colored, hatched, and dotted areas on the chart represent alignment in use of the same measures by key sectors—specifically the overlap between private payers (health plans and employers) and federal programs, and the overlap between state and federal efforts. Alignment holds out the promise of reducing data-collection burden for providers and associated costs, while simultaneously accelerating improvement by sending the same message about where providers should be focusing improvement resources.

Figure 6: Uses of NQF-Endorsed Measures in Leading Accountability and QI Programs



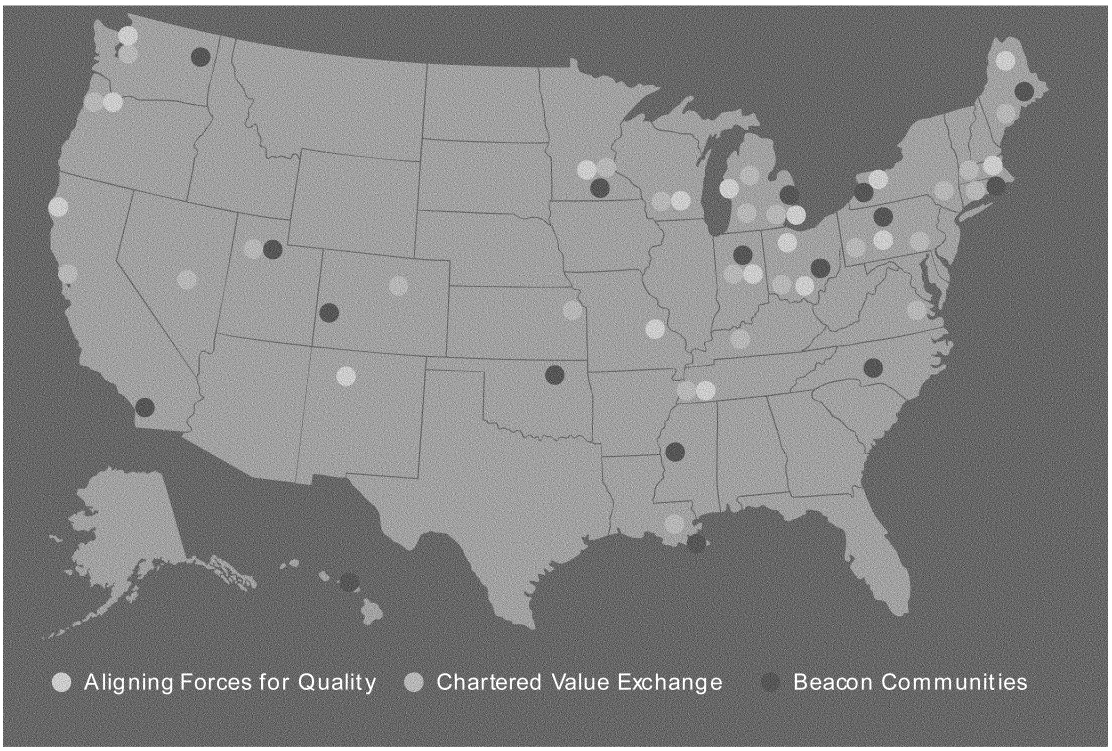
Overall use of NQF-endorsed measures by the federal government is high—about 85 percent of measures used in federal programs are NQF-endorsed. Yet the proportion of NQF-endorsed measures in use by various federal programs does differ. Sometimes it is a matter of timing. For example, the federal government has recently moved some non-endorsed measures into the Physician Quality Reporting System (PQRS) to better address the range of physician specialties. NQF is poised to quickly review such measures.

States also are heavy users of NQF-endorsed measures, in part due to federal programs that encourage or require standardized reporting at the state level, such as AHRQ's Health Care Utilization Project (HCUP), CDC measures and surveys, CHIPRA, and Medicaid. For example, 81 percent of CHIPRA measures and 88 percent of core adult Medicaid measures are NQF-endorsed. In the safety realm, more than half of states and the District of Columbia have implemented reporting systems for SREs, as well as reporting of key patient-safety indicators such as bloodstream and SSI measures.

Sidebar 7—AF4Q: Alignment at the Community Level

At the community level it is more challenging to get a comprehensive picture of use of NQF-endorsed measures. That said, leading multi-stakeholder alliances in communities across the country use NQF-endorsed measures, including the Robert Wood Johnson Foundation's Aligning Forces for Quality (AF4Q) alliances. To support community interest in aligning the measures they are using, a recent analysis conducted by NQF outside of the HHS contract has shown that at least 170 NQF-endorsed measures are being used in one or more of the 16 AF4Q alliances. In addition, NQF endorsed measures are being used by many of the Chartered Value Exchange (CVE) collaboratives, the federally-funded Beacon communities, other communities and a number of states. Given that there is no national requirement to use standardized measures at this level, communities/states have shown leadership in adopting such measures into their local programs.

EXAMPLES OF COMMUNITIES FOCUSED ON QUALITY[i]



The Robert Wood Johnson Foundation's *Aligning Forces for Quality* initiative seeks to increase the quality of healthcare and reduce racial and ethnic disparities in 16 diverse communities—with the involvement and collaborative efforts of physicians, patients, consumer groups, hospitals, health plans, and others.

The U.S. Agency for Healthcare Research and Quality (AHRQ) supports 24 Learning Network Chartered Value Exchanges. The CVEs are experimenting with new ways to bring healthcare stakeholders together to collect data and improve the quality of care.

The federal Beacon Community Cooperative Agreement program provides 17 communities with funding to improve quality, cost-efficiency, and population health using electronic health records and other health information technology tools to collect and analyze clinical data. The program's goal is to demonstrate the ability of health IT to transform local healthcare systems.

i Geographic reach of these efforts varies, e.g., state-wide, county-specific [End of Sidebar 7]

Measure Application and Alignment

Convened by NQF in the spring of 2011, the Measure Applications Partnership (MAP) is a public-private partnership made up of 60 organizations representing major stakeholder groups, 9 federal agencies, and 40 subject-matter experts. It was established to provide HHS with thoughtful, pre-rulemaking input about which performance measures to use in public reporting and payment within and across 17 federal programs. Simultaneously, MAP is informing the thinking and decisions of private-sector leaders with respect to their measure-selection strategies.

Federal Agencies Participating in Map

- Agency for Healthcare Research and Quality
- Centers for Disease Control and Prevention
- Centers for Medicare & Medicaid Services
- Health and Human Services' Office on Disability
- Health Resources and Services Administration
- Office of the National Coordinator for Health Information Technology
- Office of Personnel Management
- Substance Abuse and Mental Health Services Administration
- Veterans Health Administration

MAP represents an important innovation in the regulatory process made possible by ACA statute. In contrast to traditional federal rulemaking—where there are limited, unidirectional forums for input before draft rules are issued and no forums that cross programmatic areas—MAP enables public- and private-sector leaders to work together on creating a measurement strategy and implementation plan that is crosscutting and coordinated across settings of care; federal, state, and private programs; levels of measurement analysis; payer type; and points in time. This is not an overnight prospect, but important, unprecedented steps in the direction of strategic alignment were taken.

In 2011, MAP consisted of four programmatic-oriented workgroups—clinician, hospital, LTC/PAC, and dual-eligible beneficiaries—and an ad-hoc safety workgroup, each of which makes recommendations to the MAP Coordinating Committee. This independent committee then integrates and aligns these recommendations across the four programmatic areas—which represent 17 different federal programs—and advises HHS directly. (See Sidebar 8)

Sidebar 8—Measure Applications Partnership Workgroup Leadership

MAP Coordinating Committee Co-Chairs

George Isham, MD, MS, Chief Health Officer, Health Partners

Elizabeth McGlynn, Ph.D., MPP, Director Center of Effectiveness and

Safety Research (CESR), Kaiser Permanente

MAP Advisory Workgroups

Ad-Hoc Safety Workgroup:

Frank G. Opelka, MD FACS, Chair, Vice Chancellor for Clinical Affairs and Professor of Surgery, Louisiana State University

Clinician Workgroup:

Mark McClellan, MD, Ph.D., Chair, Director, Engelberg Center for Health Care Reform, Senior Fellow, Economic Studies, Brookings Institution, Leonard D. Schaeffer Chair in Health Policy Studies

Dual-Eligible Beneficiaries Workgroup:

Alice R. Lind, MPH, BSN, Chair, Senior Clinical Officer, Center for Health Care Strategies

Hospital Workgroup:

Frank G. Opelka, MD FACS, Chair, Vice Chancellor for Clinical Affairs and Professor of Surgery, Louisiana State University

Post-Acute/Long-Term Care (PAC/LTC) Workgroup:

Carol Raphael, MPA, Chair, President and Chief Executive Officer, Visiting Nurse Service of New York *[End of Sidebar 8]*

In the fall of 2011, and in advance of future measure-selection recommendations, MAP issued reports offering advice to HHS about how the agency might better coordinate its measure strategies as it relates to efforts focused on improving safety and clinician performance. Its reports include *MAP Coordination Strategy for Clinician Performance Measurement and MAP Coordination Strategy for Healthcare-Acquired Conditions and Readmissions Across Public and Private Payers.* In 2011, MAP also released the first of two reports focusing on dual-eligible beneficiaries who are enrolled in both Medicare and Medicaid programs: *MAP Strategic Approach to Performance Measurement for Dual-Eligible Beneficiaries.* Despite many of these individuals being the sickest and poorest patients enrolled in any federal program, not to mention among the most expensive, there has been little effort to date to use measurement as a tool to improve their care. For more detail about NQF's efforts to address vulnerable populations, see sidebar 6.

Sidebar 6—NQF Focuses on Vulnerable Populations

Vulnerable populations—from the disabled, to veterans, to special needs kids, to low-income individuals and racial/ethnic minorities, among others—often require a different and frequently higher level of care. Over the past year, NQF has taken on two major projects with a prime focus on such vulnerable individuals—*The Measure Applications Partnership (MAP) Strategic Report: Performance Measurement for Dual Eligible Beneficiaries Interim Report to HHS,* and measurement work focused on disparities in healthcare.

The interim MAP report provides multi-stakeholder input on performance measures to assess and improve the quality of care delivered to individuals who are eligible for both Medicare and Medicaid (dual-eligible). An estimated 8.9 million individuals are classified as dual-eligible, a population that includes many of the poorest and sickest individuals in our communities. This particular population frequently experiences fragmented care and accounts for a disproportionate share of total healthcare costs.

In its initial phase of work, MAP has developed a strategic approach to performance measurement and identified opportunities to promote significant improvement in the quality of care provided to these vulnerable populations. The core of the strategic approach is composed of:

A vision for high-quality care. Centered on the needs and preferences of an individual and his or her loved ones, this relies on holistic supports to maximize function and quality of life.

Guiding principles. These include desired effects, measurement design, and data.

A discussion of high-need subgroups. MAP deliberations suggested that there is not yet an established taxonomy for classifying subgroups of the dual-eligible population. MAP members observed that combinations of particular risk factors lead to high levels of need in an additive or synergistic manner.

High-leverage opportunities for improvement through measurement. MAP reached consensus on five areas where measurement could drive significant positive change, including quality of life, care coordination, screening and assessment, mental health and substance use, and structural measures of coordination between Medicare and Medicaid benefits.

In addition to the four primary elements, MAP also considered issues related to data sources and program alignment as inputs to the strategic approach. MAP will next consider gaps in currently available measures and may propose new measure concepts for development. A final report with MAP's input on improving the quality of care delivered to dual-eligible beneficiaries, including recommendations related to measures, is due to HHS on June 1, 2012.

NQF's healthcare disparities measurement efforts are multi-faceted. For example, measure developers are required to submit measure results stratified by race and ethnicity at the time of measure evaluation. NQF has also worked to endorse measures that address vulnerable populations, including measures used for the Children's Health Insurance and Reauthorization Act (CHIPRA) and Medicaid, as well as measures that fulfill important needs for vulnerable populations, including frail elders, pregnant women, children, and those who suffer from mental illness. With respect to already endorsed measures, NQF is working to identify measures across all settings that should be routinely stratified by race and ethnicity in order to identify conditions and populations that require targeted improvement efforts to improve quality and eliminate disparities. *[End of Sidebar 6]*

MAP's initial pre-rulemaking report published on February 1, 2012, and based on the consensus of 60 organizations:

- Recommends that 40 percent of the measures CMS was considering move into federal programs targeting clinicians, hospitals, dual-eligible beneficiaries, and PAC/LTC settings via rules issued in 2012, with another 15 percent targeted for future consideration after further development, testing, and feasibility issues are worked out. MAP did not support inclusion of about 45 percent of other measures proposed by CMS. CMS submitted a large number of measures and measure concepts to get early, detailed feedback about them from key stakeholders. Consequently, many of the measures submitted did not have enough information to guide MAP measure evaluation and selection. See Appendix D for the criteria MAP used to guide measure selection.
- Expresses clear preference for use of NQF-endorsed measures and feedback loops Nearly 87 percent of measures MAP supported for inclusion are currently endorsed by NQF, and many more are likely eligible for expedited review. That said, assessing the qualitative and quantitative impact of NQF-endorsed measures in the field would provide new and important information for future MAP analyses and decision-making.
- Considers how to further align measures across programs and with the private sector with the goal of more targeted, interrelated sets of measures that are reported by different kinds of providers, in different settings and

sectors, and across time. A good example is care-coordination measures contained within existing programs—care transitions, readmissions, and medication reconciliation—which MAP recommends be applied to additional kinds of providers, types of settings, and, consequently, to span and be integrated across federal programs. See Figure 7 to get a more detailed sense for MAP's crosscutting recommendations for care coordination.

• Lays out guiding principles for a future three-to-five-year measurement strategy that supports movement towards a healthcare system that enhances value for patients, communities, and those that pay the bills on their behalf. In this future 21st century system, priority is placed on measures that drive the system toward meeting the NQS; measurement is person- rather than clinician- or setting-focused; and measures span settings, time, and types of clinicians. Person-centered measurement provides information about what matters to patients (e.g., ''Will I be able to run after I recover from knee surgery?'') and measures that are specific to patient populations or care over time, (e.g., ''Did I get the care and support needed to manage my diabetes so that I did not lose my vision or my mobility?''). This kind of measurement is predicated on a redesigned delivery and payment system, and an HIT-enabled environment that facilitates both coordination and integration of care for a range of patients across the continuum.

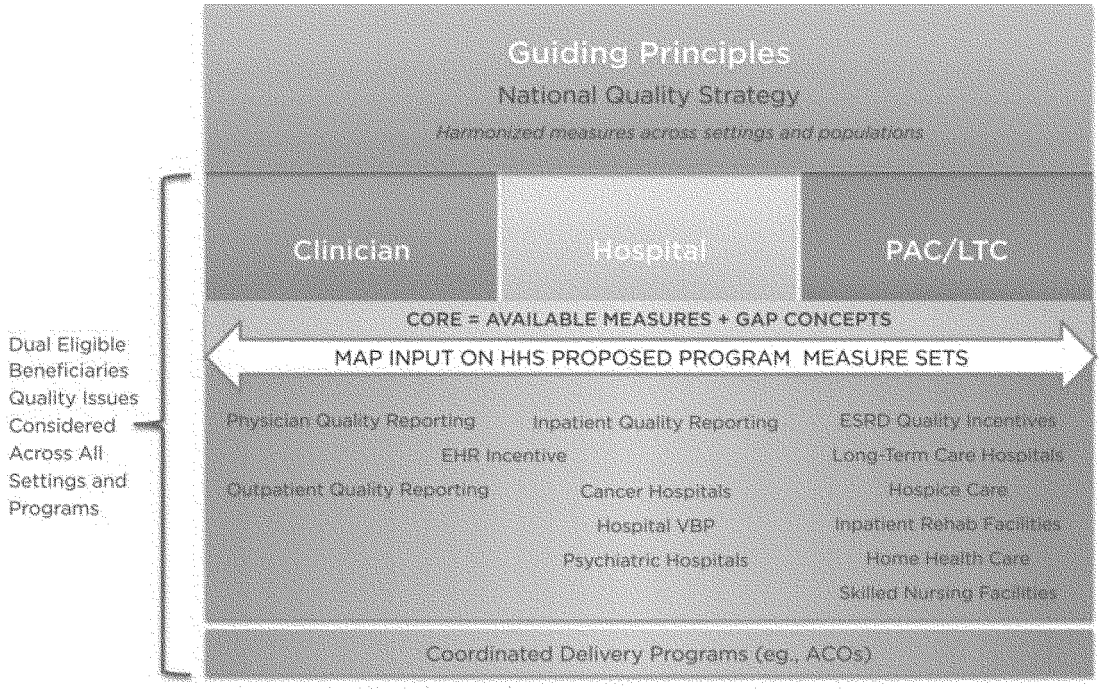
FIGURE 7—ALIGNING CARE COORDINATION MEASURES ACROSS PROGRAMS

	Clinician	Hospital	Post-acute care/long-term care
Care Transitions	Support CTM–3 (NQF #0228) if successfully developed, tested, and endorsed at the clinician level.	Support immediate inclusion of CTM–3 measure and urge for it to be included in the existing HCAHPS survey.	Support CTM–3 if successfully developed, tested, and endorsed in PAC–LTC settings.
		Support several discharge planning measures (i.e., NQF #0338, 0557, 0558).	Identify specific measure for further exploration for its use in PAC–LTC settings (i.e., NQF #0326, 0647).
Readmissions	Readmission measures are a priority measure gap and serve as a proxy for care coordination.	Support the inclusion of both a readmission measure that crosses conditions and readmission measures that are condition-specific.	Identify avoidable admissions/readmissions (both hospital and ER) as priority measure gaps.
Medication Reconciliation.	Support inclusion of measures that can be utilized in a health IT environment including medication reconciliation measure (NQF #0097).	Recognize the importance of medication reconciliation upon both admission and discharge, particularly with the dual eligible beneficiaries and psychiatric populations.	Identify potential measures for further exploration for its use across all PAC–LTC settings (i.e., NQF #0097).

The MAP proposed guiding principles support the direction of many public- and private-sector leaders who are innovating to move the nation's care delivery system towards more organization and shared accountability for patient welfare, community health, and stewardship of scarce resources. Where appropriate, they are encouraging transitioning from solo-physician practices to actual and virtual patient-centered medical homes, from stand-alone hospitals to those working collaboratively with an array of providers in an integrated delivery system or Accountable Care Organization (ACOs), and from single-specialty to multi-specialty physician groups working more closely with public health oriented organizations. Figure 8 details some key principles to guide measure selection, measurement tactics, the providers the measures are focused on, and the related federal programs.

Implementation of more advanced measures will be possible once care is more organized and integrated, payment crosses settings and providers, and HIT infrastructure is widely in place. Advanced measures could include how well patient care is coordinated between primary and specialty care and across specialists; whether patients are free of pain and can return to work, school, and other daily obligations; the degree to which patient preferences are incorporated into care decisions; and whether recommended care was appropriate in the first place and delivered cost effectively. Progress is being made as it relates to the development and implementation of such advanced measures, but is predicated on more integrated payment and delivery systems, as well as robust, common electronic data platforms.

Figure 8



Achieving Results

Those working to improve performance of the healthcare system are impatient for results, which take time to demonstrate and are influenced by many factors beyond measurement. Nevertheless, there are promising examples, particularly for hospitals and health plans that have been collecting, reporting, and acting on performance measures for a number of years. The case studies included in this section of the report were selected to provide illustrative examples of different kinds of programs and providers using NQF-endorsed measures (although they are efforts conducted outside of the federal contracts.) Taken together, and reflecting upon NQF's accomplishments over the last year, the case studies provide a clear sense that there is forward momentum, as well as a growing commitment on the part of healthcare leaders to enhance healthcare value for patients, communities, and payers.

Eight Years of Hospital Reporting Show Results

In 2002, three hospital industry associations demonstrated leadership by joining with HHS, The Joint Commission, consumer organizations, and other stakeholders to create a more unified approach to reporting hospital performance information to the public. They launched the Hospital Quality Initiative—later re-named the Hospital Quality Alliance (HQA)—and defined its role as:

- Identifying measures for reporting that are meaningful, relevant and understood by consumers;
- Rallying hospitals to participate in the initiative and act on the performance results; and
- Aligning stakeholders to reduce redundant and wasteful data collection and reporting.

From the beginning, HQA recommended NQF-endorsed measures because of the organization's transparent, rigorous multi-stakeholder consensus process and strong evidence-based approach to endorsement.

In 2003, performance results for over 400 hospitals were reported on the CMS Web site for the first time. A year later, CMS began penalizing hospitals financially if they did not report to CMS the same performance information they were required to send to The Joint Commission to maintain hospital accreditation. Between 2003 and 2004, the number of hospitals reporting their results to CMS tripled—from over 400 to more than 1,400 hospitals. In 2005, CMS launched Hospital Compare. Today, over 4,000 hospitals simultaneously report performance data to CMS and The Joint Commission, and the number of measures collected has steadily increased. In 2012, The Joint Commission will incorporate hospital performance into its accreditation determinations for the first time.

Performance results improved steadily over the last eight years. A recent analysis of hospitals shows marked improvement based on NQF-endorsed measures between 2002 and 2009.[7] More specifically, in 2002, about 20 percent of hospitals exceeded 90 percent performance on 22 key measures; by 2009 that percentage had climbed significantly to 86 percent. Key NQF-endorsed measures include measures related to heart attack and heart failure care, surgical care, children's asthma care, and pneumonia care, among others.

This tight alignment between HQA, CMS and The Joint Commission regarding use and reporting of NQF-endorsed measures is a likely contributor to hospitals improving their performance over time. At the end of 2011, HQA decided to close its doors—noting that it had accomplished what it had set out to do: establishing a unified approach to collection and public reporting of hospital performance information. HQA also acknowledged that recommendations for measure selection going forward would be best left to the NQF-convened MAP, which is constituted to look across all federal

programs to foster alignment and a clear strategic direction for measurement use.

Linking Quality Measurement to Payment Reform

Blue Cross Blue Shield Massachusetts' Alternative Quality Contract

In January 2009, Blue Cross Blue Shield of Massachusetts (BCBS) piloted the Alternative Quality Contract, a pay-for-performance model directly linking payment to meeting quality and cost benchmarks. The private-payer program provides financial bonuses to participating provider organizations such as multispecialty groups, independent practice associations, and physician-hospital organizations that stay within a specified annual budget and meet clinical quality targets. The budget takes into account the entire spectrum of care, ranging from inpatient and outpatient services to long-term care and prescription drug costs.

Performance was evaluated on the quality of care delivered in several clinical settings based on NQF-endorsed measures. More specifically:

Seven participating clinical groups were eligible for bonus payments as high as five percent based on 32 NQF-endorsed ambulatory and office-based quality measures. Measures included and focused on conditions and procedures such as diabetes testing and controlled LDL–C levels; breast, cervical, and colorectal cancer screenings; and patient experience with accessing and understanding care options.

Providers were eligible for another five percent bonus payment based on 32 NQF-endorsed hospital-based measures. These measures focused on surgical site and wound infections, in-hospital mortality rates, and patient satisfaction communicating with doctors and nurses.

Initial performance evaluations showed that across the board, provider groups delivered care within the scope of their budgets and performed well on clinical quality measures, allowing them to receive financial rewards of up to 10 percent of the total per-member per-month payments.[8]

The results illustrate that programs like the Alternative Quality Contract can offer providers strong incentives to control healthcare spending across the continuum while continuing to provide high-quality care. This idea is in line with recent policy proposals to design payment systems that reward high-quality, efficient, and integrated care.

National Priorities Focus North Carolina Hospitals

The North Carolina Center for Hospital Quality and Patient Safety (NCQC) was established by the North Carolina Hospital Association (NCHA) in 2004. The two organizations worked in partnership to conduct quality improvement collaborative projects across the state for about four years, but progress had grown stagnant. With North Carolina ranking as only the 35th healthiest state, NCQC's director embraced the NPP's 2008 *National Priorities and Goals* report recommendations as a way to focus, spur action, and benchmark North Carolina hospitals against national goals. Subsequent NPP reports have built on this first report.

The NCQC targeted much of its initial efforts on patient safety, made sure that frontline staff understood how their actions related to the hospital-wide improvement goals, and focused on both culture change and building up quality improvement skills. The Central Line-Associated Bloodstream Infection (CLABSI) Collaborative, which involved 40 ICUs, was particularly successful. Using a separate intervention program that sought to learn from mistakes and improve safety, the CLABSI Collaborative achieved a 46 percent reduction in central-line infections over the 18-month time period. These results translated into saving approximately 18 lives (using a 15 percent fatality rate) and saving $4.5 million (using $40,000 as the extra cost to a hospital for a CLABSI) across 40 hospitals.[9]

It is important to note that although many individual hospitals had success, not all hospitals in North Carolina participated, and the state rate of CLABSIs did not decrease as much as NCQC had hoped. To address this, NCQC launched a Phase 2 of the initiative to continue its focus on reducing central-line infections, using the NQF-endorsed CLABSIs measure as a way to guide progress and benchmark themselves nationally. The NCQC has stated that it is too early to tell if alignment with the NPP priorities will enable it to meet its own performance goals, but does acknowledge measureable and exciting progress against benchmarks it set.

Performance of Thoracic Surgeons Published in Consumer Reports

More than two decades ago, The Society of Thoracic Surgeons (STS) launched the Adult Cardiac Surgery Database to track and improve surgical quality. It is the largest cardiothoracic surgery outcomes and quality improvement program in the world, containing more than 4.5 million surgical records and representing approximately 94 percent of all adult cardiac surgery centers throughout the U.S.

Twenty plus years after the launch of its database, STS made the bold decision to offer participating surgical groups the option of voluntarily reporting their performance data in *Consumer Reports.* More specifically, *Consumer Reports* began publicly reporting heart surgery ratings at the surgical group level starting in 2010—including survival rates, complication rates, and other key NQF-endorsed measures. These ratings are now available on a bi-yearly basis.

A variety of factors influenced STS's decision to begin publicly reporting surgical performance, including the organization's vast experience with collecting and analyzing performance measures; a desire to leverage public reporting to further accelerate improvements in thoracic surgeon performance; and wanting to exhibit leadership in an environment of enhanced accountability.

Doris Peter, manager, *Consumer Reports' Health Ratings Center,* notes that reaction to the reports has been very positive from cardiac surgery groups and consumers alike. Peter noted that the first time STS's data was published in *Consumer Reports,* there were 20 million web impressions on the ratings. *Consumer Reports'* readership is 8 million. Due to this success, the subsequent September 2011 release made the cover of *Consumer Reports* print edition. To date, 36 percent of STS surgery groups are participating in the *Consumer Reports* ratings, a 65 percent increase from the first release.

Looking Forward

A dozen years in existence, NQF has been able to make particularly strong strides in the last three years with the support of federal funding stemming from MIPPA and ACA, building very much upon the strong collaborative relationship that has been established between NQF, its hundreds of private sector partners, and HHS. At a high level, results over these three years include:

- The ability of NQF to now set and implement a multi-year plan for measure endorsement that is cognizant of addressing gaps and focused on implementing a vision for where advanced measurement is heading in a 21st century healthcare system. Over the three years, NQF endorsed 184 measures under the federal contracts, and completed maintenance of 136

previously endorsed measures. Currently, there are 233 measures under maintenance review, another 157 measures undergoing updates to specifications, and 43 measures having testing results reviewed. These efforts involved approximately 65 measure developers and hundreds of experts who volunteered their time on review committees. In addition, NQF has developed tools that allow measure developers to more readily create and implement eMeasures so that providers can collect more meaningful and actionable clinical data that is both comparable for public reporting and valid for payment purposes.

• Broad recognition that NQF is an effective and trusted convener of public- and private-sector leaders—reflected in the organization's multi-stakeholder membership, established processes for achieving consensus, and its commitment to scientific evidence and transparency. This recognition has translated into requests that NQF-convened committees advise HHS on the first-ever NQS and related measurement strategy, as well as detailed measure-selection recommendations. NQF deliverables to HHS have been in the form of reports. Less perceptible perhaps is the growing consensus between scores of public- and private-sector leaders about how to collaborate to improve performance, which is translating into alignment around quality-improvement priorities and measure use.

Looking ahead, NQF and the broader quality movement are at an exciting juncture. A robust measurement infrastructure is moving into place, and increasingly there is a shared commitment about what to improve and what measures to use in the process of doing so. Over the next couple of years, NQF will be:

• Putting the patient first by facilitating efforts that move the field toward a focus on patient-oriented as opposed to clinician-oriented measurement. Implementation of patient reported measures—including those that address experience of care, functional status, patient reported outcomes and care coordination—can help put the patient at the center of care.

• Helping drive waste out of the system by focusing on bringing more cost/resource use measures through NQF endorsement and understanding in more detail how existing NQF endorsed quality/safety measures—including readmission, medication reconciliation and care coordination measures—can contribute to a more cost-efficient system.

• Facilitating a future measurement vision by supporting efforts of the NPP and MAP Partnerships to develop a 3–5 year comprehensive measurement strategy—with broad and strong backing from multiple stakeholders—to recommend to HHS. The intent is that this strategy will cross settings and levels of care, as well as types of clinicians, and will in essence drive a strategic plan for payers that moves the needle with respect to the NQS's six priorities.

• Bringing the public and private sectors closer together by further strengthening collaboration and deepening their commitment to the value agenda, further aligning their respective measurement strategies to reduce redundant data collection, and dramatically accelerate improvements in performance of the U.S. healthcare system.

In the coming years, the country should be in the position of realizing many benefits from these efforts to change healthcare by the numbers.

Endnotes

1 Federal use of NQF-endorsed measures is based on an initial analysis by NQF during the Fall of 2011.

2 The Commonwealth Fund, *Why Not the Best: Results from the National Scorecard on U.S. Health System Performance, 2008,* New York, NY:Commonwealth Fund, 2008. Available at *www.commonwealthfund.org/Publications/Fund-Reports/2008/Jul/Why-Not_the_Best—Results-from-the-National-Scorecard-on-U–S—Health-System-Performance—2008.aspx.* Last accessed February 2012.

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4 Bodenheimer T, Fernandez A, High and rising health care costs. Part 4: can costs be controlled while preserving quality? *Ann Intern Med,*2005;143(1): 26–31.

5 Institute of Medicine (IOM), *Roundtable on Value & Science-Driven Health Care—The Healthcare Imperative: Lowering Costs and Improving Outcomes: Workshop Series Summary,* Washington, DC: National Academies Press; 2010. Available at *www.iom.edu/Activities/Quality/VSRT.aspx.* Last accessed January 2012.

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7 Chassin MR, Loeb JM, Schmaltz SP et al., Accountability measures—using measurement to promote quality improvement, *New Engl J Med,* 2010;363(7):683–688. Available at *www.nejm.org/doi/full/10.1056/NEJMsb1002320.* Last accessed February 2012.

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Appendix A: 2011 Accomplishments: January 14, 2011 to January 13, 2012

Description	Output	Status (as of 1/13/12)	Notes/scheduled or actual completion date
I. Priorities, Principles, and Coordination Strategies			
Provision of input on priorities for the NQS.	*Input to the Secretary of Health and Human Services on Priorities for the National Quality Strategy;* final written report of Partnership and Subcommittee meeting deliberations and recommendations.	Completed	September 1, 2011.
MAP report recommending measures for use in the improvement of physician performance.	*Measure Applications Partnership Coordination Strategy for Clinician Performance Measurement;* final report including MAP Coordinating Committee recommendations.	Completed	October 1, 2011.

Description	Output	Status (as of 1/13/12)	Notes/scheduled or actual completion date
MAP report recommending measures that address the quality issues identified for dual-eligible beneficiaries.	*Measure Applications Partnership Strategic Approach to Performance Measurement for Dual-Eligible Beneficiaries;* interim report including MAP Coordinating Committee recommendations.	Completed	October 1, 2011.
MAP report recommending measures to be used by private and public payers to reduce readmissions and healthcare-acquired conditions (HACs).	*Measure Applications Partnership Coordination Strategy for Healthcare-Acquired Conditions and Readmissions Across Public and Private Payers;* final report including recommendations regarding the optimal approach for coordinating readmission and HAC measures.	Completed	October 1, 2011.
Measures for use in quality reporting programs under Medicare.	*Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2012 Rulemaking.*	In progress	Completed February 2012 after close of reporting year.
MAP report recommending measures that address the quality issues identified for dual-eligible beneficiaries.	Final report including potential new performance measures to fill gaps in measurement for dual-eligible beneficiaries.	In progress	June 1, 2012.
II. Measure Endorsement			
Cardiovascular measures and maintenance review.	Two-phase project to endorse new cardiovascular measures and conduct maintenance on existing NQF-endorsed measures.	Completed	39 measures endorsed in January 2012.
Emergency regionalization medical care measurement framework.	Environmental scan and white paper comparing how regions coordinate and perform on delivering emergency services.	Completed	Framework endorsed in January 2012.
Patient safety: SREs	Reviewed existing list of NQF SREs for hospitals to identify ones appropriate for other settings; considered potential new SREs for all settings.	Completed	Updated list of 29 SREs endorsed in May 2011.
Patient outcomes measures	Three-phase project endorsing measures specific to outcomes on Medicare high-impact conditions, child health, and mental health.	Completed	38 measures endorsed: —30 measures endorsed in January and March 2011. —8 measures endorsed during previous contract year (September 2010).
Patient-safety measures	Two-phase project endorsed new measures of patient safety (e.g., healthcare-associated infections, medication safety) and maintaining currently endorsed measures.	Completed	Phase 1: 4 measures endorsed in January 2012. Phase 2: 2 measures endorsed in August and September 2011.
Nursing-home measures	Endorsed measures of nursing-home care quality.	Completed	5 measures endorsed in February 2011.
Child-health measures	Endorsed measures specific to the care of children.	Completed	44 measures endorsed in September 2011.
Surgery measures and maintenance review.	Two-phase project to endorse new surgery measures and conduct maintenance on existing NQF-endorsed measures.	Phase 1 complete; Phase 2 in progress.	Phase 1: 18 measures endorsed in December 2011. NQF Board endorsed Phase 2 measures after the close of the contract year. Phase 2 addendum report issued for public comment just after contract year closed.
Efficiency and resource-use measures.	Endorsed measures of imaging efficiency; white paper drafted; endorsed measures of healthcare efficiency.	Completed In progress; completed just after contract year	Imaging Efficiency (Complete) —6 imaging efficiency measures endorsed in February 2011. —1 imaging efficiency measure was recommended to be combined with an existing NQF measure and was endorsed in April 2011. Efficiency—Resource Use (In Progress). Cycle 1: 4 measures ratified by Board January 2012.

Description	Output	Status (as of 1/13/12)	Notes/scheduled or actual completion date
			Cycle 2: 4 measures posted for public comment in December 2011; voting closed in February 2012.
Cancer measures and maintenance review.	Project to endorse new cancer measures and conduct maintenance on existing NQF-endorsed measures.	In progress	Call for nominations completed in November 2011; call-for-measures deadline was January 2012.
Perinatal measures and maintenance review.	Project to endorse new perinatal measures and conduct maintenance on existing NQF-endorsed measures.	In progress	Steering Committee reviewed 23 measures in December 2011.
Renal measures and maintenance review.	Project to endorse new renal measures and conduct maintenance on existing NQF-endorsed measures.	In progress	Steering Committee reviewed 33 measures by December 2011; member and public commenting to conclude after close of reporting year.
Pulmonary/critical-care measures and maintenance review.	Project to endorse new pulmonary/critical-care measures, and conduct maintenance on existing NQF-endorsed measures.	In progress	Call for nominations closed in December 2011. Call-for-measures deadline was January 2012.
Palliative and end-of-life care	Project to endorse new palliative and end-of-life care measures and conduct maintenance on existing NQF-endorsed measures.	In progress	NQF Board endorsed measures after close of reporting year.
Care-coordination measures and maintenance review.	Set of endorsed care-coordination measures	In progress	Call for measures closed January 9, 2012.
Population Health Phase 1: Prevention measures and maintenance measures review.	Set of endorsed measures for preventative services.	In progress	Member and public commenting period concluded February 2012.
Population health Phase 2: Population health measures.	Commissioned paper addressing population health measurement issues and set of endorsed population health measures.	In progress	Draft paper completed January 2012 after close of reporting year.
Behavioral health measures and maintenance review.	Set of endorsed measures for behavioral health	In progress	Call for nominations closed December 13, 2011. Call for measures closed February 14, 2012.
All-cause readmissions (expedited Consensus Development Process [CDP] review).	Set of endorsed all-cause readmission measures	In progress	Member and public commenting concluded January 2012.
Multiple Chronic Conditions Measurement Framework report analyzing measures being used to gauge quality of care for people with multiple chronic conditions.	Work plan completed; interim report available for public comment.	In progress	May 30, 2012.
Patient-reported outcomes (PROs) workshops addressing prerequisites for endorsed PRO measures.	Two workshops discussing commissioned papers addressing methodological prerequisites for NQF consideration of PRO measures for endorsement (The Veterans Administration may fund the papers; proposal is pending their approval).	In progress	June 30, 2012.
Oral health	Report that catalogs oral health measures, measure concepts, priorities and gaps in measurement.	In progress	July 6, 2012.
Rapid-cycle CDP improvement (measure-endorsement process).	Summary of process improvement approach, events, and metrics used to enhance the quality and efficiency of CDP process.	In progress	Four rapid-cycle improvement events completed in November and December 2012; additional events planned during first quarter of 2012.
III. Health Information Technology			
Retooled eMeasures, eMeasures Format Review Panel, and eMeasure Updates.	Published 113 measures for an electronic environment eMeasure Format Review Panel reviewed retooled measures to ensure the electronic specifications or requirements of these measures are consistent with the original focus and intent of the measure. Held 10 webinars/conference calls to solicit comments and proposed resolutions..	Completed	All updates and related activities completed by December 22, 2011. Completed first cycle of review in Fall 2010, following public comment period.

Description	Output	Status (as of 1/13/12)	Notes/scheduled or actual completion date
MAT	Non-proprietary, web-based tool that allows performance-measure developers to specify, submit, and maintain electronic measures in a more streamlined, efficient, and highly structured way.	Completed Contractor training; release of the MAT Basic Version on 9/2911; enhanced version on target for release.	Total number of unique organizations using MAT: 32.
QDM maintenance	Updated the QDM (Version 3, released in April 2011) to reflect additional types of data needed to support emerging measures (e.g., measures that include social determinants of health, patient/consumer engagement).	Review and updates to QDM are ongoing based on annual cycle.	Each new version of the QDM will be published annually; NQF will post a draft of modifications for the next version; annual QDM updates and versions will be integrated into MAT and, moreover, enable incorporation of required data elements in electronic measures as new types and sources of data are recognized over time.
eMeasures process and technical assistance.	Provided education, training, and ad-hoc support to HHS, HHS contractors, MAT users, QDM users, eMeasure developers, EHR vendors, providers implementing measures, and other relevant quality and health IT stakeholders.	Ongoing	Developed and posted *MAT User Guide* to provide manual for MAT and eMeasure development. Completed 5 technical-assistance trainings to CMS' eMeasure contractors, focusing on topics such as QDM and in-depth MAT training. Completed 7 public webinars (with as many as 740 attendees per webinar), focusing on topics such as eMeasures training for measure developers and IT vendors.
Patient-safety-complications measures and maintenance review (Phase 1).	Set of endorsed measures on complications-related areas.	In progress	Steering Committee reviewed 27 measures in December 2011.
Commissioned paper on data sources and readiness of HIT systems to support care coordination.	Final report and commissioned paper	In progress	Draft paper available for public comment in February 2012.
Critical path	Examine new measurement areas (e.g. care plans) to understand the feasibility of measuring such areas in an electronic environment.	Ongoing	End of September 2012.
eMeasure Learning Collaborative.	Examining issues related to implementation of eMeasures with a multi-stakeholder group in order to define best practices and recommendations to the Office of the National Coordinator's Federal Advisory Committees.	Ongoing	End of September 2012.
IV. Measure Use and Application			
Patient safety: state-based reporting agencies initiative.	Convened 27 state-based patient-safety reporting agencies to discuss safety reporting efforts and share "best practices".	Completed	Majority of work completed during previous contract year; final HHS-funded call completed January 24, 2011.
RAND report analyzing uses of NQF-endorsed measures.	*An Evaluation of the Use of Performance Measures in Health Care; work plan and list of research questions completed; report by independent researcher completed.*	Completed	
Recommendations for measures to be implemented through the federal rulemaking process for public reporting and payment.	*Measure Applications Partnership Pre-Rulemaking Report: Input on Measures Under Consideration by HHS for 2012 Rulemaking.*	In progress	Completed in February 2012 after close of reporting year.

Description	Output	Status (as of 1/13/12)	Notes/scheduled or actual completion date
MAP report recommending measures for use in quality reporting for Prospective Payment System-exempt cancer hospitals.	Final report including MAP Coordinating Committee recommendations.	In progress	June 1, 2012.
MAP report recommending measures for use in quality reporting for hospice care.	Final report including MAP Coordinating Committee recommendations.	In progress	June 1, 2012.
NPP support for Partnership for Patients' HHS initiative focused on patient safety.	First round of work included 2 quarterly convenings and 8 webinars. Content of meetings and webinars were captured in individual summaries. Next round of work includes creating affinity groups to implement specific patient-safety strategies and webinars.	In progress.	

Appendix B: NQF Board and Leadership Staff

Board of Directors

William L. Roper, MD, MPH (Chair), Dean, School of Medicine, Vice Chancellor for Medical Affairs and Chief Executive Officer, UNC Health Care System, University of North Carolina at Chapel Hill
Andrew Webber (Vice Chair), President and CEO, National Business Coalition on Health
Gerald M. Shea (Treasurer), Assistant to the President for External Affairs, AFL–CIO
Lawrence M. Becker, Director, HR Strategic Partnerships, Xerox Corporation
Judy Ann Bigby, MD, Secretary, Executive Office of Health & Human Services, Commonwealth of Massachusetts
Janet M. Corrigan, Ph.D., MBA, President and CEO, National Quality Forum
Maureen Corry, Executive Director, Childbirth Connection
Leonardo Cuello, Staff Attorney, National Health Law Program
Helen Darling, MA, President, National Business Group on Health
Robert Galvin, MD, MBA, Chief Executive Officer, Equity Healthcare, The Blackstone Group
Ardis Dee Hoven, MD, Chair, American Medical Association Board of Trustees, Medical Director, Bluegrass Care Clinic, Affiliated with the University of Kentucky School of Medicine
Karen Ignagni, MBA, President and CEO, America's Health Insurance Plans
Chris Jennings, President, Jennings Policy Strategies, Inc.
Charles N. Kahn III, MPH, President, Federation of American Hospitals
Donald Kemper, Chairman and CEO, Healthwise, Inc.
Mark B. McClellan, MD, Ph.D., Senior Fellow and Director, Engelberg Center for Health Care Reform and Leonard D. Schaeffer Chair in Health Policy Studies, The Brookings Institution
Sheri S. McCoy, Worldwide Chairman of the Pharmaceuticals Group, Johnson & Johnson
Harold D. Miller, President and CEO, Network for Regional Healthcare Improvement
Dolores L. Mitchell, Executive Director, Commonwealth of Massachusetts Group Insurance Commission
Mary Naylor, Ph.D., RN, FAAN, Director, New Courtland Center for Transitions & Health and Marian S. Ware Professor in Gerontology, University of Pennsylvania School of Nursing
Debra L. Ness, President, National Partnership for Women & Families
Samuel R. Nussbaum, MD, Executive Vice President and Chief Medical Officer, WellPoint, Inc.
J. Marc Overhage, MD, Ph.D., Chief Medical Informatics Officer, Siemens Medical Solutions, Inc.
Bernard M. Rosof, MD, Chair, Board of Directors, Huntington Hospital, Chair, Physician Consortium for Performance Improvement
John C. Rother, JD, President and CEO, National Coalition on Health Care
Joseph R. Swedish, FACHE, President and CEO, Trinity Health
John Tooker, MD, MBA, MACP, Associate Executive Vice President, American College of Physicians
Richard J. Umbdenstock, President and CEO, American Hospital Association

CMS

Don Berwick, MD, Administrator (until 12/2/11)
Marilyn Tavenner, BSN, MPA, Acting Administrator and Chief Operating Officer (12/5/11–present), Centers for Medicare & Medicaid Services
Designee: Patrick Conway, MD, Chief Medical Officer

AHRQ

Carolyn M. Clancy, MD, Director, Agency for Healthcare Research and Quality
Designee: Nancy Wilson, MD, MPH, Senior Advisor to the Director

HRSA

Mary Wakefield, Ph.D., RN, Administrator, Health Resources and Services Administration
Designee: Terry Adirim, MD, Director, Office of Special Health Affairs

CDC

Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention
Designee: Peter A. Briss, MD, MPH, Captain, U.S. Public Health Service Medical Director

Ex Officio (Non-Voting):

Timothy Ferris, MD, (Chair, Consensus Standards Approval Committee), Associate Professor of Medicine, Massachusetts General Hospital
Paul C. Tang, MD, MS, (Chair, Health Information Technology Advisory Committee), Vice President and Chief Medical Information Officer, Palo Alto Medical Foundation

NQF Leadership Staff

Janet M. Corrigan, President and Chief Executive Officer
Karen Adams, Vice President, National Priorities
Heidi Bossley, Vice President, Performance Measures
Helen Burstin, Senior Vice President, Performance Measures
Floyd Eisenberg, Senior Vice President, Health Information Technology
Larry Gorban, Vice President, Operations
Ann Greiner, Vice President, External Affairs
Ann Hammersmith, General Counsel
Lisa Hines, Vice President, Member Relations
Connie Hwang, Vice President, Measure Applications Partnership
Rosemary Kennedy, Vice President, Health Information Technology
Laura Miller, Senior Vice President and Chief Operating Officer
Nicole Silverman, Vice President, Federal Program Management
Lindsey Spindle, Senior Vice President, Communications and External Affairs
Diane Stollenwerk, Vice President, Community Alliances
Jeffrey Tomitz, Chief Financial Officer, Accounting & Finance
Thomas Valuck, Senior Vice President, Strategic Partnerships
Kyle Vickers, Chief Information Officer

Appendix C: Overview of Consensus Development Process

For each Consensus Development Project (CDP), NQF follows a careful eight-step process that ensures transparency, public input, and discussion among representatives across the healthcare enterprise.

1. Call for Nominations allows anyone to suggest a candidate for the committee that will oversee the project. Committees are diverse, often encompassing experts in a

particular field, providers, scientists, and consumers. After selection, NQF posts committee rosters on its Web site to solicit public comments on the composition of the panel and makes adjustments as needed to ensure balanced representation.

2. Call for Measures starts a 30-day period for developers to submit a measure or practice through NQF's online submission forms.

3. Steering Committee Review puts submitted measures to a four-part test to ensure they reflect sound science, will be useful to providers and patients, and will make a difference in improving quality. The expert steering committee conducts this detailed review in open sessions, each of which starts a limited period for public comment.

4. Public Comment solicits input from anyone who wishes to respond to a draft report that outlines the steering committee's assessment of measures for possible endorsement. The steering committee may request a revision to the proposed measures.

5. Member Vote asks NQF members to review the draft report and cast their votes on the endorsement of measures.

6. CSAC Review marks the point at which the NQF Consensus Standards Approval Committee (CSAC) deliberates on the merits of the measure and the issues raised during the review process, and makes a recommendation on endorsement to the Board of Directors. The CSAC includes consumers, purchasers, healthcare professionals, and others. It provides the big picture to ensure that standards are being consistently assessed from project to project.

7. Board Ratification asks for review and ratification by the NQF Board of Directors of measures recommended for endorsement.

8. Appeal opens a period when anyone can appeal the Board's decision.

Appendix D: MAP Measure-Selection Criteria

The Measure Applications Partnership (MAP) has developed measure-selection criteria to guide its evaluations of program measure sets. The term ''measure set'' can refer to a collection of measures—for a program, condition, procedure, topic, or population. For the purposes of MAP's pre-rulemaking analysis, we qualify the term measure set as a ''program measure set'' to indicate the collection of measures used in a given federal public reporting or performance-based payment program.

The measure-selection criteria are intended to facilitate structured discussion and decision- making processes. The iterative approach employed in developing the criteria allowed MAP in its entirety, as well as the public, to provide input on the criteria. Each MAP workgroup deliberated on draft criteria and advised the Coordinating Committee. Comments were received on the draft criteria through the public comment period for the *Coordination Strategy for Clinician Performance Measurement* report. *A Measure-Selection Criteria Interpretive Guide* also was developed to provide additional descriptions and direction on the meaning and use of the measure-selection criteria.

1. MAP measure-selection criteria and the interpretive guide were finalized at the November 1, 2011, Coordinating Committee in-person meeting The following criteria were then used as a tool during the pre-rulemaking task:

2. Measures within the program measure set are NQF-endorsed or meet the requirements for expedited review.

3. The program measure set adequately addresses each of the NQS priorities.

4. The program measure set adequately addresses high-impact conditions relevant to the program's intended populations (e.g., children, adult non-Medicare, older adults, or dual-eligible beneficiaries).

5. The program measure set promotes alignment with specific program attributes, as well as alignment across programs.

6. The program measure set includes an appropriate mix of measure types (e.g., process, outcome, structure, patient experience, and cost).

7. The program measure set enables measurement across the person-centered episode of care.

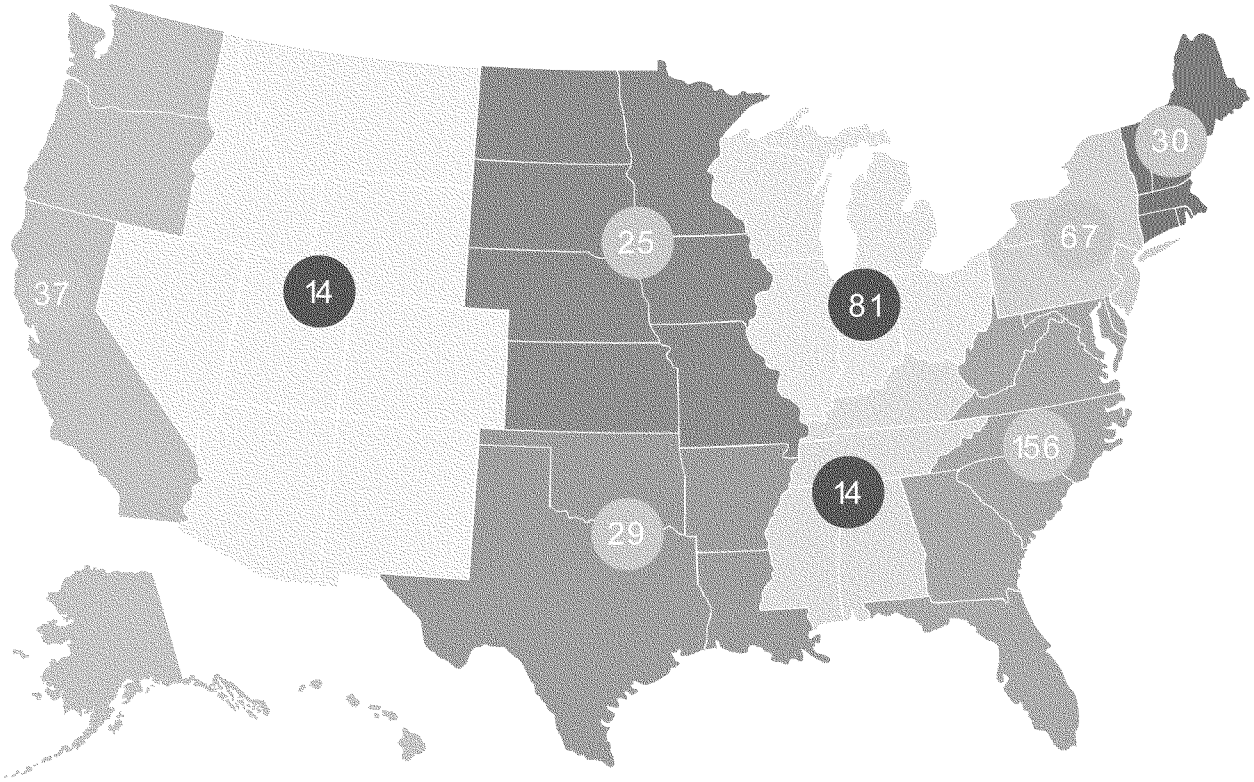
8. The program measure set includes considerations for healthcare disparities.

9. The program measure set promotes parsimony.

Public commenters supported the MAP measure-selection criteria and noted that the tool served MAP well in its pre-rulemaking activities.

Appendix E: NQF Membership

NQF members represent more than 450 organizations from across the country committed to advancing healthcare quality. Members of NQF participate in one of eight Member Councils organized by stakeholder group—consumers; health plans; health professionals; provider organizations; public-community health agencies; purchasers; quality measurement, research, and improvement; and supplier-industry—and are afforded a strong voice in crafting national solutions to quality concerns. Member organizations are from every region of the country as the map below indicates.



NQF Member Organizations

3M Health Care
AARP
Abbott Laboratories
ABIM Foundation
Academy of Managed Care Pharmacy
Academy of Medical-Surgical Nurses
Accreditation Association for Ambulatory Health Care Institute for Quality Improvement
ACS–MIDAS+
Ada County Paramedics
Adventist Health System
Advocate Physician Partners
Aetna
Affinity Health System
AFL–CIO
Agency for Healthcare Research and Quality
Albuquerque Coalition for Healthcare Quality
Aligning Forces for Quality-South Central Pennsylvania
Alliance for Health
Alliance of Community Health Plans
Ambulatory Surgery Foundation
Amedisys
American Academy of Allergy, Asthma and Immunology
American Academy of Dermatology
American Academy of Family Physicians
American Academy of Hospice and Palliative Medicine
American Academy of Neurology
American Academy of Nurse Practitioners
American Academy of Nursing
American Academy of Ophthalmology
American Academy of Orthopaedic Surgeons
American Academy of Otolaryngology-Head and Neck Surgery
American Academy of Pediatrics
American Academy of Physical Medicine and Rehabilitation
American Association of Birth Centers
American Association of Cardiovascular and Pulmonary Rehabilitation
American Association of Clinical Endocrinologists
American Association of Colleges of Nursing
American Association of Diabetes Educators
American Association of Neurological Surgeons
American Association of Nurse Anesthetists
American Association of Nurse Assessment Coordination
American Board of Medical Specialties
American Board of Optometry
American Case Management Association
American Chiropractic Association
American College of Cardiology
American College of Cardiology/American Heart Association Task Force on Performance Measures
American College of Emergency Physicians
American College of Gastroenterology
American College of Medical Quality
American College of Nurse-Midwives
American College of Obstetricians and Gynecologists
American College of Physician Executives
American College of Physicians
American College of Radiology
American College of Rheumatology
American College of Surgeons
American Data Network
American Dietetic Association
American Federation of Teachers Healthcare
American Gastroenterological Association Institute
American Geriatrics Society
American Health Care Association
American Health Information Management Association
American Health Quality Association
American Heart Association
American Hospice Foundation
American Hospital Association
American Medical Association
American Medical Association-Physician Consortium for Performance Improvement
American Medical Directors Association
American Medical Informatics Association
American Nurses Association
American Occupational Therapy Association
American Optometric Association
American Organization of Nurse Executives
American Osteopathic Association
American Pharmacists Association Foundation
American Physical Therapy Association
American Psychiatric Association for Research and Education
American Psychiatric Nurses Association
American Sleep Apnea Association
American Society for Gastrointestinal Endoscopy
American Society for Radiation Oncology
American Society of Anesthesiologists
American Society of Breast Surgeons
American Society of Clinical Oncology
American Society of Colon and Rectal Surgeons
American Society of Health-System Pharmacists
American Society of Hematology
American Society of Nuclear Cardiology
American Society of Pediatric Nephrology
American Society of Plastic Surgeons
American Urological Association
America's Health Insurance Plans
AmeriHealth Mercy Family of Companies
AMGEN Inc.
AmSurg Corp.
Anesthesia Quality Institute
Arkansas Medicaid
Ascension Health
Association for Professionals in Infection Control and Epidemiology

Association for the Advancement of Wound Care
Association of American Medical Colleges
Association of periOperative Registered Nurses
Association of Rehabilitation Nurses
Association of Women's Health, Obstetric and Neonatal Nurses
AstraZeneca
Atlantic Health
Aultman Health Foundation
Aurora Health Care
Avalere Health LLC
Baptist Health South Florida
Baptist Memorial Health Care Corporation
Baxter Healthcare
BayCare Health System
Baylor Health Care System
Betsy Lehman Center for Patient Safety and Medical Error Reduction
Better Health Greater Cleveland
BJC HealthCare
BlueCross BlueShield Association
Boehringer Ingelheim
Bon Secours St. Francis Health System
Booz Allen Hamilton
Bristol-Myers Squibb Company
Bronson Healthcare Group, Inc.
Buyers Health Care Action Group
California HealthCare Foundation
California Hospital Association
California Hospital Patient Safety Organization
California Maternal Quality Care Collaborative
California Office of Statewide Health Planning and Development
CareFirst BlueCross BlueShield
CareFusion
CaroMont Health
Case Management Society of America
Caterpillar Inc.
Catholic Health Association of the United States
Catholic Health Initiatives
Catholic Healthcare Partners
Cedars-Sinai Medical Center
Center for Health Care Quality, Department of Health Policy, George Washington University
Center to Advance Palliative Care
Centers for Disease Control and Prevention
Centers for Medicare & Medicaid Services
Childbirth Connection
Children's Hospital Boston
Children's Hospitals and Clinics of Minnesota
CHRISTUS Health
CIGNA HealthCare
Citizens for Patient Safety
City of Hope
Cleveland Clinic
Colorado Business Group on Health
Commission for Case Manager Certification
Community Health Accreditation Program
Community Health Alliance- Humboldt County Del-Norte
Community Health Foundation of Western and Central New York
Connecticut Center for Patient Safety
Connecticut Hospital Association
Consumer Coalition for Quality Health Care
Consumers Advancing Patient Safety
Consumers' Checkbook
Consumers Union
Coral Initiative, LLC
Core Consulting, Inc.
Council of Medical Specialty Societies
Crozer-Keystone Health System
Dallas-Fort Worth Hospital Council Education and Research Foundation
Dana-Farber Cancer Institute
Deloitte Consulting LLP, Health Sciences and Government
Dental Quality Alliance
Detroit Medical Center
Dialog Medical
Edwards Lifesciences
eHealth Initiative
Eisai, Inc.
Eli Lilly and Company
Elsevier Clinical Decision Support
Emergency Nurses Association
Employers' Coalition on Health
Englewood Hospital and Medical Center
Epstein Becker & Green, P.C.
Exeter Health Resources
Federation of American Hospitals
FirstWatch Solutions, Inc.
Florida Health Care Coalition
Florida Hospital
Florida State University, Center for Medicine and Public Health
Forest Laboratories, Inc.
Foundation for Informed Medical Decision Making
Fox Chase Cancer Center
Franciscan Alliance
GE Healthcare
Genentech
Genesis HealthCare System
Gentiva Health Services
GlaxoSmithKline
Good Samaritan Hospital
Greater Detroit Area Health Council
Greenway Medical Technologies
Group Health Cooperative
H. Lee Moffitt Cancer Center and Research Institute Hospital, Inc.
Hackensack University Medical Center
Harborview Medical Center
Health Action Council Ohio
Health Level Seven, Inc.
Health Management Associates, Inc.
Health Resources and Services Administration
Health Services Advisory Group
Health Services Coalition
Health Watch USA
HealthCare 21 Business Coalition
Healthcare Information and Management Systems Society
Healthcare Leadership Council
HealthGrades
HealthPartners
HealthSouth Corporation
Healthy Memphis Common Table
Heart Rhythm Society
Henry Ford Health System
Highmark, Inc.
Hoag Hospital
Horizon Blue Cross Blue Shield of New Jersey
Hospice and Palliative Nurses Association
Hospira
Hospital Corporation of America
Hospital for Special Surgery
Hudson Health Plan
Humana Inc.
Huntington Memorial Hospital
Illinois Hospital Association
Infectious Diseases Society of America
Infusion Nurses Society
Inland Northwest Health Services
Institute for Clinical Systems Improvement
Institute for Safe Medication Practices
Integrated Healthcare Association
Intelligent Healthcare
Interim HealthCare, Inc.
Intermountain Healthcare
Iowa Healthcare Collaborative
IPRO
Jefferson School of Population Health
Johns Hopkins Health System
Kaiser Permanente
Kansas City Quality Improvement Consortium
Kidney Care Partners
Lamaze International
Lehigh Valley Business Coalition on Health Care
LHC Group, Inc.
Long-Term Quality Alliance
Louisiana Health Care Quality Forum
Maine Health Management Coalition
Maine Quality Counts
Maine Quality Forum
Maryland Health Care Commission
Maryland Patient Safety Center
Massachusetts Health Quality Partners
Mayo Clinic
McKesson Corporation
MedAssets
MedeAnalytics, Inc.
Medisolv, Inc.
MedStar Health
Memorial Hermann Healthcare System
Memorial Sloan-Kettering Cancer Center
Merck & Co., Inc.
Mercy Medical Center
Meridian Health System
MHA Keystone Center for Patient Safety & Quality
Middlesex Hospital
Midwest Care Alliance
Milliman Care Guidelines
Minnesota Community Measurement
Mothers Against Medical Error
Mount Auburn Hospital
National Academy for State Health Policy
National Academy of Clinical Biochemistry
National Alliance of Wound Care
National Association for Behavioral Health
National Association for Healthcare Quality
National Association of Certified Professional Midwives
National Association of Children's Hospitals and Related Institutions
National Association of Dental Plans
National Association of EMS Physicians
National Association of Health Data Organizations
National Association of Pediatric Nurse Practitioners
National Association of Psychiatric Health Systems
National Association of Public Hospitals and Health Systems
National Association of State Medicaid Directors
National Breast Cancer Coalition
National Business Coalition on Health
National Business Group on Health
National Center for Healthcare Leadership
National Coalition for Cancer Survivorship
National Committee for Quality Assurance
National Consensus Project for Quality Palliative Care

National Consortium of Breast Centers
National Consumers League
National Council of State Boards of Nursing
National Council on Aging
National Forum for Heart Disease and Stroke Prevention
National Health Law Program
National Hospice and Palliative Care Organization
National Institute for Quality Improvement and Education
National Nursing Staff Development Organization
National Partnership for Women & Families
National Patient Safety Foundation
National Pressure Ulcer Advisory Panel
National Rural Health Association
National Sleep Foundation
NCH Healthcare System
Nemours Foundation
Neocure Group
New Jersey Health Care Quality Institute
New Jersey Hospital Association
New York Presbyterian Healthcare System
New York University College of Nursing
Next Wave
Niagara Health Quality Coalition
North Carolina Center for Hospital Quality and Patient Safety
North Mississippi Medical Center
North Shore-Long Island Jewish Health System
North Texas Specialty Physicians
Northeast Health Care Quality Foundation
Northwestern Memorial HealthCare
Norton Healthcare, Inc.
Novartis
Nursing Alliance for Quality Care
Oakstone Medical Publishing
Oncology Nursing Society
Oregon Health Care Quality Corporation
Ortho-McNeill-Janssen Pharmaceutical, Inc.
OSUCCC-James Cancer Hospital
P2 Collaborative of Western New York
Pacific Business Group on Health
Park Nicollet Health Services
Partners HealthCare System, Inc.
Partnership for Prevention
Patient Centered Primary Care Collaborative
Pennsylvania Health Care Association
Pfizer
Pharmacy Quality Alliance
PhRMA
Phytel, Inc.
Planetree
Premier, Inc.
Press Ganey Associates
Professional Research Consultants, Inc.
Providence Health & Services
Puget Sound Health Alliance
PULSE of New York
Quality Outcomes, LLC
Quantros, Inc.
Renal Physicians Association
Resolution Health, Inc.
Rhode Island Department of Health
Robert Wood Johnson University Hospital-Hamilton
Rockford Health System
Roswell Park Cancer Institute
Saint Barnabas Health Care System
Saint Francis Hospital and Medical Center
Sanofi Pasteur
Sanofi-Aventis
Scott & White Healthcare
Seattle Cancer Care Alliance
Sharp HealthCare
Siemens Healthcare, USA
Sisters of Charity of Leavenworth Health System
SNP Alliance
Society for Academic Emergency Medicine
Society for Cardiovascular Angiography and Interventions
Society for Healthcare Epidemiology of America
Society for Maternal-Fetal Medicine
Society for the Advancement of Blood Management
Society for Vascular Surgery
Society of Behavioral Medicine
Society of Critical Care Medicine
Society of Gynecologic Oncology
Society of Hospital Medicine
Society of Thoracic Surgeons
Southeast Texas Medical Associates, LLP
St. Joseph Health System
St. Louis Area Business Health Coalition
Stamford Health System
State Associations of Addiction Services
Substance Abuse and Mental Health Services Administration
Summa Health System
Surgical Care Affiliates
Sylvester Comprehensive Cancer Center, University of Miami Hospitals and Clinics
Taconic IPA, Inc.
Takeda Pharmaceuticals North America, Inc.
Tampa General Hospital
Telligen
Tenet Healthcare Corporation
Texas Health Resources
Texas Medical Institute of Technology
The Advanced Medical Technology Association
The Alliance
The Alliance for Home Health Quality and Innovation
The Commonwealth Fund
The Coordinating Center
The Empowered Patient Coalition
The Federation of State Medical Boards of the U.S., Inc.
The Health Alliance of Mid-America, LLC
The Health Collaborative
The Joint Commission
The Leapfrog Group
The National Consumer Voice for Quality Long-Term Care
The National Forum of ESRD Networks
The Partnership for Healthcare Excellence
Thomas Jefferson University Hospital
Thomson Reuters
Trauma Support Network
Trinity Health
Trust for America's Health
UCB, Inc.
UMass Memorial Medical Group, Inc.
United Surgical Partners International
UnitedHealth Group
Universal American Corp.
University HealthSystem Consortium
University of California-Davis Medical Group
University of Kansas School of Nursing
University of Michigan Hospitals & Health Centers
University of North Carolina-Program on Health Outcomes
University of Pennsylvania Health System
University of Texas Southwestern Medical Center
University of Texas-MD Anderson Cancer Center
University of Virginia Health System
URAC
Urgent Care Association of America
US Department of Defense-Health Affairs
UW Health
Vanderbilt University Medical Center
Vanguard Health Management
Verilogue, Inc
Veterans Health Administration
VHA, Inc.
Virginia Business Coalition on Health
Virginia Cardiac Surgery Quality Initiative
Virginia Mason Medical Center
Virtua Health
WellPoint
WellSpan Health
WellStar Health System
West Virginia Medical Institute
Wisconsin Collaborative for Healthcare Quality
Wisconsin Medical Society
Wound, Ostomy and Continence Nurses Society
Yale New Haven Health System
Zynx Health

Appendix F: 2011 NQF Volunteer Leaders

Stancel M. Riley, Chair, Ambulatory and Office-Based Surgery Technical Advisory Panel Serious Reportable Events in Healthcare Project
Chair, Patient Safety Serious Reportable Events Technical Advisory Panel, Massachusetts Board of Registration in Medicine
Mary George, Co-chair, Cardiovascular Endorsement Maintenance Steering Committee, Centers for Disease Control and Prevention
Raymond Gibbons, Co-chair, Cardiovascular Endorsement Maintenance Steering Committee, Mayo Clinic
Donald Casey, Co-chair, Care Coordination Endorsement Maintenance Steering Committee, Atlantic Health
Gerri Lamb, Co-chair, Care Coordination Endorsement Maintenance Steering Committee, Arizona State University
Thomas McInerny, Co-chair, Child Health Quality Measures Steering Committee, University of Rochester
Marina L. Weiss, Co-chair, Child Health Quality Measures Steering Committee
Co-chair, National Voluntary Standards for Patient Outcomes Child Health Steering Committee, March of Dimes
David Classen, Co-chair, Common Formats Expert Panel, University of Utah
Henry Johnson, Co-chair, Common Formats Expert Panel, ACS–MIDAS+
Timothy Ferris, Chair, Consensus Standards Approval Committee, Massachusetts General Hospital/Institute for Health Policy
Ann Monroe, Vice-chair, Consensus Standards Approval Committee, Community Health Foundation of Western and Central New York
Doris Lotz, Co-chair, Efficiency Resource Use Steering Committee, New Hampshire Department of Health and Human Services
Sally Tyler, Co-chair, Patient Safety SRE Steering Committee, AFSCME
Gregg S. Meyer, Co-chair, Patient Safety SRE Steering Committee, Massachusetts General Hospital

Paul C. Tang, Chair, Health Information Technology Advisory Committee, Palo Alto Medical Foundation and Stanford University
Dennis Andrulis, Co-chair, Healthcare Disparities and Cultural Competency Consensus Standards Committee, Texas Health Institute
Denice Cora-Bramble, Co-chair, Healthcare Disparities and Cultural Competency Consensus Standards Committee, Children's National Medical Center
Michael Doering, Co-chair, Improving Patient Safety through State-Based Reporting in Healthcare Workgroup, Pennsylvania Patient Safety Authority
Diane Rydrych, Co-chair, Improving Patient Safety through State-Based Reporting in Healthcare Workgroup, Minnesota Department of Health
Iona Thraen, Co-chair, Improving Patient Safety through State-Based Reporting in Healthcare Workgroup, Utah Department of Health
William Corley, Chair, Leadership Network, Community Health Network
George J. Isham, Co-chair, Measure Applications Partnership Coordinating Committee, HealthPartners, Inc.
Elizabeth A. McGlynn, Co-chair, Measure Applications Partnership Coordinating Committee, Kaiser Permanente Center for Effectiveness and Safety Research
Frank G. Opelka, Chair, Measure Applications Partnership Ad Hoc Safety Workgroup
Chair, Measure Application Partnership Hospital Workgroup, Louisiana State University Health Sciences Center
Mark McClellan, Chair, Measure Applications Partnership Clinician Workgroup, The Brookings Institution, Engelberg Center for Health Care Reform
Alice Lind, Chair, Measure Applications Partnership Dual Eligible Beneficiaries Workgroup, Center for Health Care Strategies
Carol Raphael, Chair, Measure Applications Partnership Post-Acute Care/Long-Term Care Workgroup, Visiting Nurse Service of New York
Michael Lieberman, Chair, Measure Authoring Tool Oversight and Testing Workgroup, Oregon Health and Science University
Caroline S. Blaum, Co-chair, Multiple Chronic Conditions Measurement Framework Steering Committee, University of Michigan Health System—Institute of Gerontology
Barbara McCann, Co-chair, Multiple Chronic Conditions Measurement Framework Steering Committee, Interim HealthCare
Helen Darling, Co-chair, National Priorities Partnership, National Business Group on Health
Margaret O'Kane, Co-chair, National Priorities Partnership, National Committee for Quality Assurance
Bernard Rosof, Co-chair, National Priorities Partnership, Physician Consortium for Performance Improvement convened by the American Medical Association
Peter Crooks, Co-chair, National Voluntary Consensus Standards for End Stage Renal Disease
Co-chair, Renal Endorsement Maintenance Steering Committee, Southern California Permanente Medical Group
Kristine Schonder, Co-chair, National Voluntary Consensus Standards for End Stage Renal Disease
Co-chair, Renal Endorsement Maintenance Steering Committee, University of Pittsburgh School of Pharmacy
Tom Rosenthal, Co-chair, National Voluntary Consensus Standards for Endorsing Performance Measures for Resource Use: Phase II, UCLA School of Medicine
Bruce Steinwald, Co-chair, National Voluntary Consensus Standards for Endorsing Performance Measures for Resource Use: Phase II
Co-chair, Efficiency Resource Use Steering Committee, Independent Consultant
G. Scott Gazelle, Co-chair, National Voluntary Consensus Standards for Imaging Efficiency, Massachusetts General Hosital
Eric D. Peterson, Co-chair, National Voluntary Consensus Standards for Imaging Efficiency, Duke University Medical Center
David A. Johnson, Chair, National Voluntary Consensus Standards for Patient Outcomes Biliary and Gastrointestinal Technical Advisory Panel, American College of Gastroenterology
Dianne Jewell, Chair, National Voluntary Consensus Standards for Patient Outcomes Bone/Joint Technical Advisory Panel, Virginia Commonwealth University
Lee Newcomer, Chair, National Voluntary Consensus Standards for Patient Outcomes Cancer Technical Advisory Committee, United HealthCare
Edward Gibbons, Chair, National Voluntary Consensus Standards for Patient Outcomes Cardiovascular Technical Advisory Panel, University of Washington School of Medicine
David Herman, Chair, National Voluntary Consensus Standards for Patient Outcomes Eye Care Technical Advisory Panel, Mayo Clinic
E. Patchen Dellinger, Chair, National Voluntary Consensus Standards for Patient Outcomes Infectious Disease Technical Advisory Panel, University of Washington School of Medicine
Sheldon Greenfield, Chair, National Voluntary Consensus Standards for Patient Outcomes Metabolic Technical Advisory Panel, University of California, Irvine
Barbara Yawn, Chair, National Voluntary Consensus Standards for Patient Outcomes Pulmonary Technical Advisory Panel, Olmstead Medical Center
Tricia Leddy, Co-chair, National Voluntary Consensus Standards for Patient Outcomes Mental Health Steering Committee, Rhode Island Department of Health
Jeffrey Sussman, Co-chair, National Voluntary Consensus Standards for Patient Outcomes Mental Health Steering Committee, University of Cincinnati
Charles Homer, Co-chair, National Voluntary Standards for Patient Outcomes Child Health Steering Committee, NICHQ
David Gifford, Co-chair, National Voluntary Standards for Nursing Homes, American Health Care Association and National Center for Assisted Living
Christine Mueller, Co-chair, National Voluntary Standards for Nursing Homes, University of Minnesota School of Nursing
June Lunney, Co-chair, Palliative Care and End-of-Life Care Endorsement Maintenance Steering Committee, Hospice and Palliative Nurses Association
Sean Morrison, Co-chair, Palliative Care and End-of-Life Care Endorsement Maintenance Steering Committee, Mount Sinai School of Medicine
Sherrie Kaplan, Co-chair, Patient Outcomes: All-Cause Readmissions Expedited Review Steering Committee, UC Irvine School of Medicine
Eliot Lazar, Co-chair, Patient Outcomes: All-Cause Readmissions Expedited Review Steering Committee, New York Presbyterian Healthcare System
Lisa J. Thiemann, Co-chair, Patient Safety Measures Steering Committee, Surgical Care Affiliates
William A. Conway, Co-chair, Patient Safety Measures Steering Committee
Co-chair, Patient Safety Measures: Complications Endorsement Maintenance Steering Committee, Henry Ford Health System
Darrell A. Campbell, Jr., Chair, Patient Safety Measures HAI Technical Advisory Panel, University of Michigan Hospitals & Health Centers
David Nau, Chair, Patient Safety Measures Medical Management Technical Advisory Panel, Pharmacy Quality Alliance
Steven Clark, Chair, Patient Safety Measures Perinatal Technical Advisory Panel, Hospital Corporation of America
Pamela Cipriano, Co-chair, Patient Safety Measures: Complications Endorsement Maintenance Steering Committee, University of Virginia Health System
Tejal Gandhi, Chair, Patient Safety Serious Reportable Events Technical Advisory Panel
Chair, Physician Office Technical Advisory Panel Serious Reportable Events in Heatlhcare, Partners Healthcare
Eric Tangalos, Chair, Patient Safety Serious Reportable Events Technical Advisory Panel
Chair, Skilled Nursing Facility Technical Advisory Panel Serious Reportable Events In Healthcare Project, Mayo Clinic
Laura Riley, Co-chair, Perinatal and Reproductive Health Endorsement Maintenance Steering Committee, Massachusetts General Hospital
Carol Sakala, Co-chair, Perinatal and Reproductive Health Endorsement Maintenance Steering Committee, Childbirth Connection
Paul Jarris, Co-chair, Population Health: Prevention Endorsement Maintenance Steering Committee, Association of State and Territorial Health Officers
Kurt Stange, Co-chair, Population Health: Prevention Endorsement Maintenance Steering Committee, Case Western Reserve University
David Bates, Co-chair, Quality Data Model Sub-committee, Partners Healthcare
Caterina Lasome, Co-chair, Quality Data Model Sub-committee, Ion Informatics
Arthur Kellermann, Co-chair, Regionalized Emergency Medical Care Services Steering Committee, The RAND Corporation

Andrew Roszak, Co-chair, Regionalized Emergency Medical Care Services Steering Committee, Department of Health and Human Services
James Weinstein, Chair, Resource Use Project: Phase II Bone/Joint Technical Advisory Panel, The Dartmouth Institute for Health Policy; Dartmouth-Hitchcock Clinic
David Penson, Chair, Resource Use Project: Phase II Cancer Technical Advisory Panel, Vanderbilt University Medical Center
Jeptha Curtis, Co-chair, Resource Use Project: Phase II Cardiovascular/Diabetes Technical Advisory Panel, Yale University School of Medicine
James Rosenzweig, Co-chair, Resource Use Project: Phase II Cardiovascular/Diabetes Technical Advisory Panel, Boston Medical Center and Boston University School of Medicine
Kurtis Elward, Co-chair, Resource Use Project: Phase II Pulmonary Technical Advisory Panel, Family Medicine of Albermarle
Janet Maurer, Co-chair, Resource Use Project: Phase II Pulmonary Technical Advisory Panel, American College of Chest Physicians
Arden Morris, Co-chair, Surgery Endorsement Maintenance Steering Committee, Ann Arbor Veterans Affairs Medical Center
David Torchiana, Co-chair, Surgery Endorsement Maintenance Steering Committee, Massachusetts General Physicians Organization
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Washington, DC 20005
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NQF Report on Measure Gaps and Inadequacies

Overview

The Affordable Care Act (ACA) (Pub. L. 111–148, sec. 3011), requires the Secretary of Health and Human Services to establish a National Strategy for Quality Improvement in Health Care, which serves as a strategic plan for improving the delivery of health care services, achieving better patient outcomes, and improving the health of the U.S. population. The strategy will be continually updated as the Affordable Care Act is implemented.

Section 3014 of ACA requires a report from the National Quality Forum (NQF) regarding the identification of gaps in endorsed quality measures—to include measures within the National Quality Strategy priority areas—to be provided to the Secretary by February 1, 2012 and annually thereafter. The report was also intended to identify areas where evidence was insufficient to support endorsement of quality measures in priority areas.

Methods

In order to prepare this report on measure gaps, NQF staff consulted numerous data sources to identify endorsed measure and evidence gaps. Staff reviewed approximately 750 endorsed measures within the NQF portfolio and identified the measures that address one or more of the National Quality Strategy (NQS) priority areas and areas where gaps remain. Staff also reviewed NQF-related efforts that address many of the priority areas, including NQF project consensus development project reports. NQF endorsement committees routinely identify gaps as part of the work of the consensus development process. The NQF report *''Prioritization of High-Impact Medicare Conditions and Measure Gaps''* developed by the Measure Prioritization Advisory Committee and published in May, 2010 was also used as a data source for gaps.

NQF has captured this information in a high-level matrix organized by priority area and the high impact clinical conditions which highlights where endorsed measures exist and gaps remain. Given the volume of clinical conditions and cross-cutting areas addressed within the NQF portfolio, a targeted list of clinical conditions is included.

It is anticipated that this analysis will continue to evolve over the coming years through the NQF National Priorities Partnership, the Measures Applications Partnership, endorsement maintenance projects, and other activities.

National Quality Strategy Overview

The NQF-convened National Priorities Partnership (NPP) proposed goals and measure concepts in its September 1, 2011 report *''Input to the Secretary of Health and Human Services on Priorities for the National Quality Strategy''* regarding the six national priorities:

1. Making Care Safer
2. Ensuring Person- and Family-Centered Care
3. Promoting Effective Communication and Coordination of Care
4. Promoting the Most Effective Prevention and Treatment of the Leading Causes of Mortality, Starting with Cardiovascular Disease
5. Working with Communities to Promote Wide Use of Best Practices to Enable Healthy Living
6. Making Quality Care More Affordable

The proposed goals and measure concepts are intended to ''provide a set of clear aims with which the NQS can guide the nation to achieve safe, timely, effective, efficient, and equitable care,'' and are discussed in more detail below. Some of the measure concepts identify important measurement gaps, while measure development may be limited by evidence gaps.

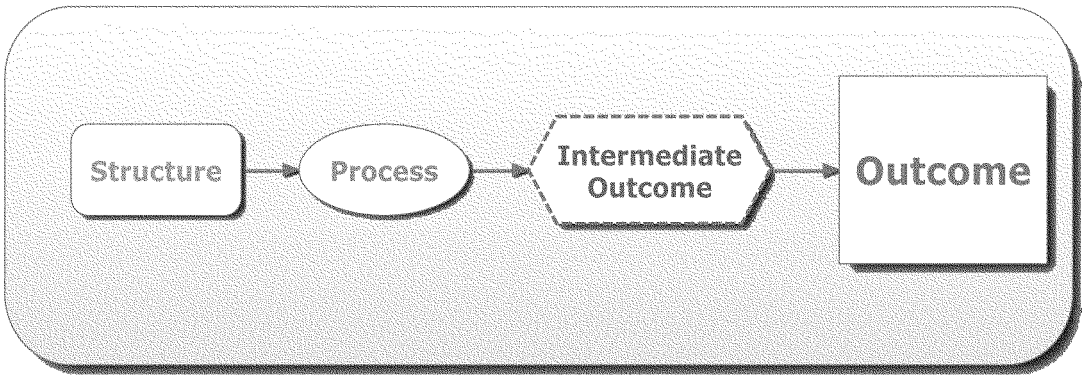
The Secretary's National Quality Strategy requires a wide array of quality and efficiency measures for implementation. While some of the strategy's priority areas may be well-supported by NQF-endorsed measures, others may have fewer, or in some cases, no endorsed measures aligned with them.

For the purposes of this report, we have expanded the applicability of the fourth priority area, related to prevention and treatment, beyond cardiovascular disease to the other conditions listed below. While there are numerous condition-specific clinical process measures, there are major gaps for some conditions (e.g., Alzheimer's). There are also important gaps in condition-specific measures that address critical national priorities (e.g., cost measures for high-cost conditions).

- Alzheimer's Disease
- Cancer
- Cardiovascular
- Cataract
- Child Health
- Depression
- Diabetes
- Glaucoma
- Hip/Pelvic Fracture
- Maternal Health
- Osteoporosis
- Pulmonary
- Renal Disease
- Rheumatoid Arthritis/Osteoarthritis
- Serious Mental Illness
- Stroke

Since there is a strong desire to move toward patient-focused outcomes of care, the report also identifies potential outcome gaps for clinical and cross-cutting areas. For example, while there are numerous cancer-related process measures, there are no endorsed cancer outcome measures. Recent work by NQF's Evidence Task Force identified a hierarchical preference for outcomes linked to evidence-based processes and structures (Figure 1). While there is still a need for process and structural measures, especially for quality improvement, they should be closely linked to outcomes. In the tables that follow, gaps for outcome measures in some high impact clinical areas are identified.

Figure 1. NQF Measure Hierarchy



The NQF Evidence Task Force also emphasized the importance of assessing the quality, quantity and consistency of evidence underlying the measure focus. While endorsement of some clinical measures has been limited by empirical evidence, NQF provides an exception in cases for which expert opinion can be systematically assessed with agreement that the benefits to patients greatly outweigh potential harms. In some cross-cutting priority areas, such as pain management and patient engagement, Committee expert opinion has been used to satisfy the evidence requirement.

There has also been a strong interest from numerous stakeholders, including consumers and purchasers, in moving to composite measures. Composite measures are defined as one or more measures that are combined into a single score. Because composite measures provide a more comprehensive view of care and may be more understandable to end users, there has been a shift toward composite measures in many clinical areas. For example, an endorsed cardiovascular care composite encompasses the key secondary prevention elements critical for prevention of cardiac events (e.g., use of aspirin, non-smoking status, lipid control, and blood pressure control). Given the interest in these measures, gaps for composite measures are also noted in the tables that follow.

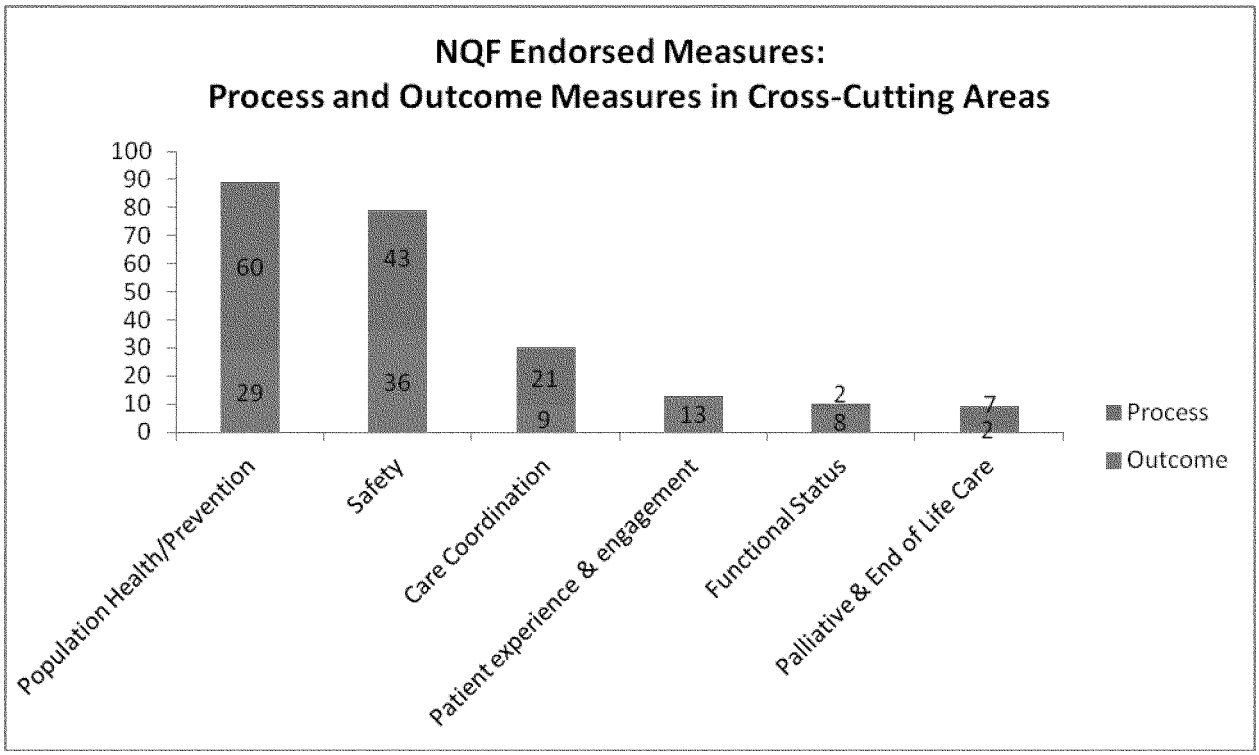
Gaps Across Cross-Cutting Areas

While many measures within the NQF portfolio relate to specific conditions or clinical areas, others address or are applicable to cross-cutting areas such as safety and care coordination. Currently NQF-endorsed measures are categorized by these cross-cutting areas when applicable, overlapping with many of the cross-cutting national priorities outlined within the NQS.

Figure 2 provides a graphic representation of the more than 750 measures across these areas. This figure provides information on NQF-endorsed measures by cross-cutting area, as well as the type of measure (structure, process, outcome, and composite).

As demonstrated in the figure below, population health/prevention and safety represent the cross-cutting areas with the largest number of measures, while there are clear measure gaps in cross-cutting areas such as care coordination and patient experience and engagement. In addition, for areas with a range of measures, many focus on processes of care. However, there has been an increased focus on outcome measures with outcome measures now representing approximately 30 percent of the NQF portfolio. Measure development is also evolving to new areas such as resource use/cost (an area for which NQF is now endorsing measures) and patient-reported outcomes. Planned NQF endorsement projects in the coming year in these high priority areas, such as patient engagement and population health, should help to fill some of these important gaps.

Figure 2. Cross-Cutting Areas represented within the NQF portfolio



The following sections address measures and gaps related to each of the cross-cutting areas.

Making Care Safer

NQF has endorsed a robust set of patient safety measures. However, gaps remain. For example, there is a need for measures that assess broader, more cross-cutting issues of medication safety, rather than measures that apply to separate medications. There is also interest in ''templates'' for medication management and safety that could be applied to different medications or conditions. In addition, more research on standard medication monitoring and its effect on outcomes or complications are needed. There is also a recognized need to expand available patient safety measures beyond the hospital setting and harmonize safety measures across sites and settings of care. There have also been recognized patient safety gaps in potentially high leverage areas, such as healthcare associated infections (e.g., MRSA) and measures that assess the culture of safety.

The NPP provided guidance on proposed goals and measure concepts related to the National Quality Strategy. The following table provides the NPP-recommended goals and measure concepts on Priority Area #1, Making Care Safer. Under the identified measure concepts, there are gaps related to inappropriate medication use and polypharmacy. There are also continued efforts to expand all-cause safety measures.

National Priority: Make care safer.			
GOALS	Reduce preventable hospital admissions and readmissions.	Measure Concepts	•Hospital admissions for ambulatory-sensitive conditions •All-cause hospital readmission index •All-cause healthcare-associated conditions •Individual healthcare-associated conditions •Inappropriate medication use and polypharmacy •Inappropriate maternity care
	Reduce the incidence of adverse healthcare-associated conditions.		
	Reduce harm from inappropriate or unnecessary care.		

Ensuring Person- and Family-Centered Care

There have been a growing number of standardized measures that assess patient experience in multiple care settings. However, as noted in the NPP measure concepts related to this priority area, there is a significant gap in measures that assess patient and family involvement in decisions about healthcare. There is a growing evidence base on decision quality and there is an expectation that these measures will be submitted to NQF in the coming year. The measurement of care planning and joint development of treatment goals has not been limited by available evidence. It has been difficult to construct meaningful measures that move beyond ''checkbox'' measures that assess whether a plan exists.

National Priority: Ensure person- and family-centered care.	
GOALS	Measure Concepts
Improve patient, family, and caregiver experience of care related to quality, safety, and access across settings.	• Patient and family experience of quality, safety, and access • Patient and family involvement in decisions about healthcare • Joint development of treatment goals and longitudinal plans of care • Confidence in managing chronic conditions • Easy-to-understand instructions to manage conditions
In partnership with patients, families, and caregivers—and using a shared decision-making process—develop culturally sensitive and understandable care plans.	
Enable patients and their families and caregivers to navigate, coordinate, and manage their care appropriately and effectively.	

Promoting Effective Communication and Coordination of Care

In the area of care coordination, measures that focus on communication and transitions across setting (e.g., medication reconciliation and transitions from inpatient facilities to other settings) and healthcare home have been endorsed, leaving many areas outlined in the NQF care coordination framework (i.e., proactive plan of care and follow-up, information systems) without current endorsed measures. NQF is aware of some work to begin to leverage information systems to facilitate care coordination, but in a recent call for measures related to Care Coordination, NQF did not receive any new measures to address this area. Some limited development is underway, but much work remains.

The table below from the National Priorities Partnership's September report shows the NPP-recommended goals and measure concepts for Promoting Effective Communication and Coordination of Care, the third priority area in HHS' National Quality Strategy. Several of the measure concepts have associated endorsed measures, such as transition records and advanced care planning. These endorsed measures tend to be limited to certain populations and settings and there is a need for a measure development and testing that would move these measures to broader populations.

The NPP goals also specifically note the need for measures that assess symptom management and functional status. While there have been measures that assess patient function and well-being in certain settings, such as home health and nursing homes, measures that assess a change (or ''delta'') in function have been limited. In addition, while there are many patient-level instruments/measures of health status and function, there are few performance measures that utilize these tools to assess the care provided by healthcare entities. In 2012, NQF will work with experts to address some of methodological challenges that have limited use of patient-reported outcomes across data platforms as performance measures.

National Priority: Promote effective communication and care coordination.	
GOALS	Measure Concepts
Improve the quality of care transitions and communications across care settings.	• Experience of care transitions • Complete transition records • Chronic disease control • Care consistent with end-of-life wishes • Experience of bereaved family members • Care for vulnerable populations • Community health outcomes • Shared information and accountability for effective care coordination
Improve the quality of life for patients with chronic illness and disability by following a current care plan that anticipates and addresses pain and symptom management, psychosocial needs, and functional status.	
Establish shared accountability and integration of communities and healthcare systems to improve quality of care and reduce health disparities.	

Promoting the Most Effective Prevention and Treatment of the Leading Causes of Mortality, Starting With Cardiovascular Disease

The following table provides the NPP-recommended goals and measure concepts on Priority Area #4, Promoting the Most Effective Prevention and Treatment of the Leading Causes of Mortality, Starting with Cardiovascular Disease. While most of the identified cardiovascular prevention concepts relate to currently endorsed measures, there are some measurement gaps related to access to healthy foods and nutrition. Evidence will likely be strong for these cardiovascular prevention measures. The current NQF Population Health project may bring some of these measures forward for evaluation for endorsement.

Condition-specific measures and the gaps related to effective prevention and treatment of high impact conditions, including cardiovascular care, are discussed in the condition-specific section of this report.

National Priority: Promote the most effective prevention, treatment, and intervention practices for the leading causes of mortality, starting with cardiovascular disease	
GOALS	Measure Concepts
Promote cardiovascular health through community interventions that result in improvement of social, economic, and environmental factors.	•Access to healthy foods •Access to recreational facilities •Use of tobacco products by adults and adolescents •Consumption of calories from fats and sugars •Control of high blood pressure •Control of high cholesterol
Promote cardiovascular health through interventions that result in adoption of the most important healthy lifestyle behaviors across the lifespan.	
Promote cardiovascular health through receipt of effective clinical preventive services across the lifespan in clinical and community settings.	

Working With Communities To Promote Wide Use of Best Practices To Enable Healthy Living

Measures that can assess the health of populations are a growing area of interest in the measurement enterprise. Population health focuses not only on disease across multiple sectors, but also on prevention and health promotion. Identifying valid and reliable measures of performance across these multiple sectors can be challenging. The NPP-recommended goals and measure concepts for this priority area are noted below. The NPP recommended a three-tiered approach to population health to address the national priority of working with communities to promote the wide use of best practices to enable healthy living and well-being. While there have been endorsed measures that relate to the receipt of clinical preventive services and immunization measures across the lifespan, most, but not all, of these measures focused on clinical rather than community settings. There are measurement gaps in many of the population-level concepts below, including social support, unhealthy drinking, obesity, and dental health. In the current Population Health Project, NQF will evaluate submitted population-level measures that include a focus on healthy lifestyle behaviors and community interventions that improve health and well-being. A new oral health project will also help to prioritize dental concepts and identify gaps in both dental measures and evidence.

National Priority: Work with communities to promote wide use of best practices to enable healthy living and well-being.	
GOALS	Measure Concepts
Promote healthy living and well-being through community interventions that result in improvement of social, economic, and environmental factors.	•Adequate social support •Emergency department visits for injuries •Healthy behavior index •Binge drinking •Obesity •Mental health •Dental caries and untreated dental decay •Use of the oral health system •Immunizations
Promote healthy living and well-being through interventions that result in adoption of the most important healthy lifestyle behaviors across the lifespan.	
Promote healthy living and well-being through receipt of effective clinical preventive services across the lifespan in clinical and community settings.	

Making Quality Care More Affordable

A new area for NQF endorsement is related to cost and resource use. Currently, a small number of measures are under NQF review, examining some specific clinical conditions as well as the total cost of care for patients who interact with the healthcare system in a given year. While private payers have captured and reported the associated costs and resources used for patients within their systems, these measures had not yet been publicly vetted; the current NQF work can pave the way for

increased transparency as well as the possibility of tracking costs in a consistent manner by multiple payers and other interested parties. Many challenges remain within this area, specifically enabling measurement and reporting of costs/resources at the individual provider level, and in the future, pairing these measures with those of quality to begin to capture efficiency.

The NPP's guidance on proposed goals and measure concepts related to this priority area appears in the table below. There are important measure gaps related to access, per capita expenditures and affordability. In addition, development of measures around potential overuse of specific procedures may be limited by the available evidence in clinical guidelines. However, the overuse measures that have failed endorsement to date primarily relate to the lack of availability of the detailed clinical information in claims data. Similarly, the ability to construct a measure of preventable emergency department use has been limited by the availability of data to assess the concept of preventability.

National Priority: Make quality care affordable for people, families, employers, and governments	
GOALS	**Measure Concepts**
Ensure affordable and accessible high-quality healthcare for people, families, employers, and governments.	• Consumer affordability index • Consistent insurance coverage • Inability to obtain needed care • National/state/local per capita healthcare expenditures
Reduce total national healthcare costs per capita by 5 percent and limit the increase in healthcare costs to no more than 1 percent above the consumer price index without compromising quality or access.	• Average annual percentage growth in healthcare expenditures • Menu of measures of unwarranted variation of overuse, including: - Unwarranted diagnostic/medical/surgical procedures - Inappropriate/unwanted nonpalliative services at end of life - Cesarean section among low-risk women - Preventable emergency department visits and hospitalizations
Support and enable communities to ensure accessible, high-quality care while reducing unnecessary costs.	

Identification of Gap Areas Based on Federal Programs' Measure Usage

The Measure Applications Partnership (MAP) is a public-private partnership convened by the National Quality Forum (NQF) for the primary purpose of providing input to the Department of Health and Human Services (HHS) on selecting performance measures for public reporting, performance-based payment programs, and other purposes. In its first year, the MAP focused on the availability of measures for federal programs and provided input on important measurement gaps. The MAP *Pre-Rulemaking Report* provides input on over 350 measures under consideration by HHS for nearly twenty clinician, hospital, and post-acute care/long-term care performance measurement programs, using the six NQS priorities to guide its recommendations. The findings of the MAP related to gaps in the federal programs reinforce the gap analysis presented in this report. For example, MAP found that most federal reporting programs lacked measures in the areas of person and family-centered care, and cost and appropriateness. Looking specifically at clinical areas, MAP also noted a lack of measures in the area of mental health. All these findings echo the lack of NQF-endorsed measures in these areas as described.

In part due to MAP's required focus on the federal programs, which to date have often been defined by setting of care, the MAP work identified gaps by setting or provider type for the clinician, hospital and Post-Acute Care/Long Term Care (PAC/LTC) federal reporting programs. The high-level measure development and implementation gaps in federal programs are included in the table below:

Clinician Programs
• Patient-reported outcomes, health-related quality of life. • Shared decision-making, patient activation, care planning. • Care coordination. • Multiple chronic conditions. • Palliative and end-of-life care. • Cost including total cost, cost transparency, efficiency, and resource use. • Appropriateness.
Hospital Programs
• Cost—total cost of care, episode, transparency, efficiency. • Appropriateness—admissions, treatment. • Care coordination—transitions of care, readmissions, hand-off communication, follow-up.

- Patient-reported outcomes—patient and family experience of care and engagement, patient and family preferences, shared decision-making.
- Disparities in care.
- Special populations—behavioral health, child health, maternal health.
- Quality of life/well-being.
- Pain.
- Malnutrition.
- Palliative Care—comfort, integration of patient values in care planning.

PAC/LTC Programs

- Functional status is a high-priority gap across all programs because assessing function and change in function over time is a baseline for tailoring care for individuals and population subsets.
- A second prominent gap is measures that incorporate the patient, family, and caregiver experience and their involvement in shared decision-making.
- Measures that assess if care goals are established using a shared decision making process and if those goals are attained.
- Measures understanding how providers use assessment information to tailor goals.
- Establishing and attaining care goals.
- Care coordination, including transitions.
- Cost.
- Mental health.
- Nutritional status.

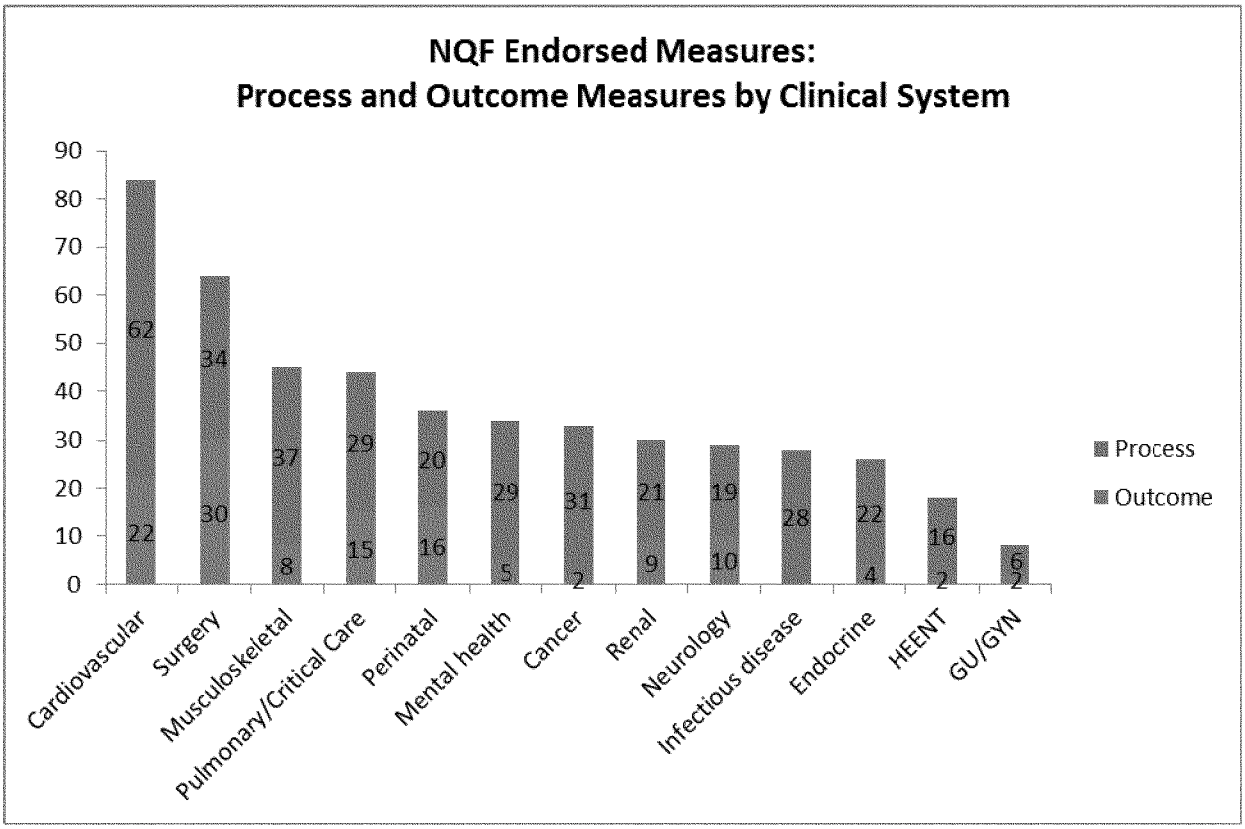
Gaps Across National Priority Areas by Condition-Specific Areas

To better highlight gaps areas, NQF further grouped its endorsed measures by the following high impact conditions, and reported gaps by each condition, mapped to the NQS priority areas. The condition-specific areas map to the *Prioritization of High-Impact Medicare Conditions and Measure Gaps* report prepared for HHS in 2011, with additional high impact areas added to address younger populations (e.g., child health, maternal health, and serious mental illness). For example, NQF broadened the high-impact condition COPD to include other pulmonary conditions (such as asthma.) Finally, related conditions, such as acute myocardial infarction and congestive heart failure, have been grouped together under the broader term of cardiovascular.

- Alzheimer's Disease
- Cancer
- Cardiovascular
- Cataract
- Child Health
- Depression
- Diabetes
- Glaucoma
- Hip/Pelvic Fracture
- Maternal Health
- Osteoporosis
- Pulmonary
- Renal Disease
- Rheumatoid Arthritis/Osteoarthritis
- Serious Mental Illness
- Stroke

In addition to categorizing the measures by NQS priority area, the measure type (i.e., structure, process, outcome, and composite) have been included in these tables. Figure 3 offers a high level analysis of measures by clinical system. As evident in the table, there are many clinical areas that need further outcome measure development.

Figure 3. Condition-Specific Area represented within the NQF portfolio



As a result, high-level information is presented below regarding gaps in endorsed quality measures within the priority areas identified in the NQS. While there are many reasons for the persistent gaps in performance measurement described below, many developers who submit measures to NQF report that the lack of adequate financial support for measure development is a major driver. In addition, measure gaps persist due to insufficient evidence (e.g., management and treatment of Alzheimer's disease) and methodological challenges related to emerging measurement areas (e.g., aggregation of patient-reported outcomes into measures appropriate for accountability and quality improvement).

Gaps Across National Priority Areas by Condition-Specific Areas

For each condition, the shaded spaces in the tables below represent areas where there are NQF-endorsed measures addressing NQS priority areas, by measure type. The blank spaces represent areas where there are gaps in NQF-endorsed measures.

Alzheimer's Disease

While Alzheimer's is recognized as a critical area for measurement, there is a gap in endorsed measures for this condition. There has been limited measure development in this area, which was evidenced through a request for measures by NQF that resulted in no submissions in 2010. Through recent discussions with several developers, NQF has learned that some development has begun. Future NQF measure endorsement projects will include an opportunity for submission of newly developed measures related to Alzheimer's disease.

		National Priorities					
	ALZHEIMER'S	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Cancer

The set of endorsed cancer measures is primarily oriented to cancer screening and effectiveness of treatment for specific cancers. For the priority area of prevention, there are process measures addressing breast, cervical, and colorectal cancer screening. For this topic, there are gaps across all measure types in the healthy living priority area. In the person and family centered care priority area, there are several process measures and there are measures that specifically address the quality of care received at the end of life through caregiver surveys. For safer care, there are several process measures and a small number of outcome measures. There is a gap in outcomes related to cancer survival. There are a small number of overuse measures related to affordable care. Gaps related to the quality of life and other critical outcomes of care related to patients diagnosed with cancer remain. No measures were brought forward to address these gap areas in the recent call for measures for the current NQF Cancer Endorsement Project.

		National Priorities					
	CANCER	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Cardiovascular Care

NQF has a very large set of endorsed cardiovascular measures addressing conditions such as acute myocardial infarction, coronary artery disease, and congestive heart failure. There are also endorsed process, outcome, and composite measures related to healthy living and prevention, including measures that align with the CDC goals in its national initiative ''Million Hearts'' to prevent one million heart attacks and strokes. While each of the clinical conditions within the larger topic area of cardiovascular care has a robust set of measures of process and outcome measures, gaps remain in the area of person- and family-centered care. As a result of the NQF Patient Outcomes project completed in 2011, several composite measures that examine care transitions for cardiovascular care are now included in the NQF portfolio. In addition, measures that assess coordination of care, such as the recently endorsed measure that assesses referral to cardiac rehabilitation after a heart attack, are in development. Measures that begin to address affordable care are slowly increasing in numbers. For example, NQF recently endorsed measures of appropriate use of cardiac stress testing as well as measures that capture resources or costs associated with specific cardiovascular conditions, but many gap areas remain.

		National Priorities					
	CARDIO-VASCULAR	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Cataract

While only a handful of measures have been endorsed in the area of cataracts, these measures address the outcomes of cataract surgery. Complications following surgery and improvement in patients' visual function have been targeted. Currently, the measures focus on those patients who have had surgery. Future measures should address the appropriate selection of treatment of patients with cataracts, ensuring that only those patients whose visual function and quality of life is compromised receive surgery. There is also a need for measures that address cataract outcomes for patients with multiple co-morbid comorbidities, including diabetes. These may be examples where the evidence base may limit applicability of these measures to more complex patients.

		National Priorities					
	CATARACT	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Child Health

The number of endorsed measures focused on child health has grown in the last year—in part due to a targeted NQF Child Health project that was completed in 2011. The portfolio has also expanded to accommodate core measures for the CHIPRA program. Similar to Maternal Health discussed below, Child Health has many measures focused on screening, immunizations, well-child visits, and treatment for specific clinical conditions. While there are endorsed outcome measures for children, such as those that examine infection, mortality, and readmission in the intensive care units, they are primarily hospital focused rather than ambulatory. In terms of affordable care, there is a measure focused on length of stay in pediatric intensive care units and a measure of emergency department visits for children with asthma, both of which address use of resources.

An opportunity exists to increase the number of measures that apply to children by adapting adult-focused measures to apply to younger ages. This gap is very dependent on measure developers' willingness to apply measures to younger populations, but age-based population limits and this limitation should only occur when the evidence does not support the expansion to those under 18 years of age. In January 2011, NQF released a report from the *Measure Prioritization Advisory Committee* focused on measure development and endorsement agenda that identified child health gaps in the areas of care coordination (transitions, referrals, medical homes); acute and chronic management (health promotion, community resources, timely and appropriate follow-up of screening tests); and population health outcomes.

		National Priorities					
	CHILD HEALTH	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Depression and Serious Mental Illness

There is a growing set of endorsed outcome and process measures that address depression. There are some endorsed measures that address Healthy Living and Prevention (e.g., maternal depression screening, suicide risk assessment). In NQF's Patient Outcomes project, measures looking at whether remission of symptoms was achieved at 6 and 12 months were recently endorsed—a step toward assessing patient outcomes related to depression. Many gaps remain specific to person- and family-centered care. There are also a small number of endorsed process measures related to safer care in the areas of medication management and evaluation and assessment for major depressive disorder. There are a limited number of measures that assess coordination of care, such as persistent use of needed antidepressants, as well as follow-up care after hospitalization.

There are many measurement gaps for patients with serious mental illness. Currently, only measures specific to schizophrenia and bipolar disease are endorsed, leaving many other mental health conditions unaddressed. There are endorsed process measures that address prevention and safer care (e.g., screening for potential comorbidities for patients with bipolar disorder, use of multiple antipsychotic medications). However, gaps remain specific to other priorities. There is an endorsed patient experience of care measure for inpatient psychiatric care and a set of measures that assess transition from inpatient to outpatient care. Measure gaps relate to affordability, such as potential measures that assess overuse of multiple antipsychotic medications. There are also important population health gaps for serious mental illness, including measures that would address issue of social support and homelessness. NQF anticipates that additional measures related to serious mental illness will be submitted in the upcoming Behavioral Health project.

		National Priorities					
	DEPRESSION AND SERIOUS MENTAL ILLNESS	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Diabetes

While NQF has endorsed multiple diabetes measures, they are primarily oriented to prevention and healthy living, including two composite measures that address both processes and intermediate outcomes for patients with diabetes. In healthy living, there are also population-level measures that assess potentially preventable admissions for diabetic complications. While there are measures that address the treatment of patients with the disease, measures have not yet been developed or endorsed that adequately

address the pediatric population or primary screening and prevention of diabetes for high-risk individuals. Many of these gaps are due to the lack of consistent, strong evidence on appropriate screening and treatment. In the current NQF Resource Use project, a recently endorsed measure captures the relative resource use for patients with diabetes. This measure should allow implementers including payers to identify the costs and resources associated with this chronic illness.

		National Priorities					
	DIABETES	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Glaucoma

Two measures have been endorsed in the area of glaucoma that address appropriate evaluations and the reduction of intraocular pressures. Many gaps remain, including addressing patients' quality of life, experience with care, care coordination, and education related to treatments.

		National Priorities					
	GLAUCOMA	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Hip/Pelvic Fracture

There is a limited set of endorsed measures that address hip and pelvic fracture. Two outcome measures were recently endorsed that target the rate of complications and readmissions after hip surgery. There is also an endorsed measure that examines the mortality rate related to these fractures. Beyond these three outcomes measures, the NQF portfolio includes measures that address osteoporosis screening and treatment with several specifically targeting those patients who have had a hip or pelvic fracture. Those measures are captured within the discussion and analysis of osteoporosis and are not reflected in the table below. Many gaps remain related to the coordination of care and person/family centered care. For affordable care, resource use measures related to hip fracture are under consideration in the current NQF Resource Use Project.

		National Priorities					
	HIP/PELVIC FRACTURE	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Maternal Health

NQF has a growing set of endorsed measures that relate to maternal health. There are several important process measures, such as ensuring adequate screening, prenatal and postpartum visits, and appropriate treatment during delivery. Several measures related to appropriate processes or intermediate outcomes during labor and delivery (e.g., use of prophylactic antibiotics and health-care acquired infections in the newborn) are linked to the priority area of Safer Care. There are measures that relate to affordable care, such as the rate of Cesarean sections for first-time mothers and elective deliveries prior to 39 weeks. One significant area for which measures may be in development but have not yet been submitted to NQF is related to reproductive health.

		National Priorities					
	MATERNAL CARE	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Osteoporosis

Few measures have been endorsed in the area of osteoporosis. To date, those measures have focused on appropriate screening and treatment, such as endorsed measures that target appropriate screening or treatment following a fracture, or general screening of women at risk. Significant gaps remain in areas that assess patients' quality of life and functional status and care coordination, in addition to the dearth of outcomes measures and the lack of applicability of the current measures to men.

		National Priorities					
	OSTEOPOROSIS	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Pulmonary

For the purpose of this report, pulmonary conditions include asthma, chronic obstructive pulmonary disease (COPD), and pneumonia. There are many process measures that examine care for adults and children with asthma, measures of appropriate use of medications to prevent and treat exacerbations of COPD, and outcome measures related to mortality and readmission for pneumonia. Several outcome measures for pulmonary conditions were recently endorsed through the NQF Patient Outcomes project, including care transitions for patients with pneumonia and quality of life for patients with COPD in pulmonary rehabilitation programs. While some measures looking at safer care and person/family centered care have now been endorsed, measures related to other pulmonary conditions or applicable to broader settings are needed.

		National Priorities					
	PULMONARY	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Renal Disease

There is a broad set of measures related to End Stage Renal Disease (ESRD) and a small but emerging set of measures related to chronic renal disease. NQF has endorsed several process and outcome measures on this topic, in the priority area of Healthy Living and Prevention. As part of a recent End Stage Renal Disease (ESRD) endorsement project, a CAHPS measure was endorsed that assesses patient experience with in-center hemodialysis. There are also multiple outcome measures related to adequacy of dialysis and infection rates. Evidence continues to evolve regarding the appropriate target hemoglobin for patients with ESRD. Due to the black box warning issued by the FDA and continued changes to what hemoglobin levels are considered safe targets, NQF and its committees have been reluctant to endorse measures for which the evidence is not yet consistent to support a performance measure. Additional gaps remain related to care coordination and affordable care.

		National Priorities					
	RENAL DISEASE	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Rheumatoid Arthritis/Osteoarthritis

Few measures have been endorsed in the areas of rheumatoid arthritis and osteoarthritis. To date, those measures have focused on appropriate screening and treatment. For example, NQF has endorsed measures related to medication safety for patients with rheumatoid arthritis as well as measures that focus on ensuring appropriate follow-up and testing to prevent toxicity. Significant gaps remain in areas that assess patients' quality of life and functional status and care coordination. There is also an absence of outcomes measures such as functional status.

		National Priorities					
	RHEUMATOID ARTHRITIS/ OSTEO-ARTHRITIS	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Stroke

Within stroke, there are endorsed process and outcome measures related to prevention, safer care and care coordination. Within safer care, there are outcome measures related to potentially avoidable complications and mortality after stroke. NQF has also endorsed primary prevention related measures, such as anticoagulation for patients with atrial fibrillation and secondary prevention related measures, such as use of statins. There are multiple measures that assess the appropriate care and screening for patients after stroke, including issues related to anticoagulation and ongoing need for speech therapy. There is a single endorsed measure related to stroke education, but no endorsed measures that assess person and family centered care. There are also gaps in measures in the healthy living and affordable care priority areas. While NQF has not previously endorsed measures related to affordable care, there are stroke-related resource use measures currently in the NQF endorsement process.

		National Priorities					
	STROKE	HEALTHY LIVING: Better Health in Communities	PREVENTION	PERSON/ FAMILY CENTERED CARE	SAFER CARE	CARE COORDINATION COMMUNICATION	AFFORDABLE CARE
Measure Type	Structure						
	Process						
	Outcome						
	Composite						

Conclusion

While the NQF portfolio of endorsed measures can address many important priority area and high priority clinical conditions, there are many gaps that remain. While many measure gaps could be filled with measure development, there would be a small sub-set where development would be limited by available evidence. Another important impediment to measure development in many high priority areas relates to the lack high quality data for measurement. The move toward an electronic data platform should help increase capacity to measure some of these important concepts. Collectively, the NPP, MAP and endorsement-related work provide a roadmap to where measures are needed to fill many important gaps. This report can be used to target measure development resources to areas where there are critical development gaps.

Appendix of Measures Included Within the Condition-Specific Areas

Alzheimer's Disease

* There are no measures in the portfolio for this condition.

BILLING CODE P

Cancer

CANCER		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0031	Breast Cancer Screening		X				X				
0032	Cervical Cancer Screening		X				X				
0034	Colorectal Cancer Screening		X				X				
0210	Proportion receiving chemotherapy in the last 14 days of life		X						X		X
0211	Proportion with more than one emergency room visit in the last days of life		X						X		X
0212	Proportion with more than one hospitalization in the last 30 days of life		X						X		X
0213	Proportion admitted to the ICU in the last 30 days of life		X						X		X
0214	Proportion dying from Cancer in an acute care setting		X						X		X
0215	Proportion not admitted to hospice		X						X		X
0216	Proportion admitted to hospice for less than 3 days		X						X		X
0219	Post breast conserving surgery irradiation		X						X		
0220	Adjuvant hormonal therapy		X						X		
0221	Needle biopsy to establish diagnosis of cancer precedes surgical excision/resection		X						X		
0222	Patients with early stage breast cancer who have evaluation of the axilla		X						X		
0223	Adjuvant chemotherapy is considered or administered within 4 months (120 days) of surgery to patients under the age of 80 with AJCC III (lymph node positive) colon cancer		X						X		
0224	Completeness of pathology reporting		X							X	
0225	At least 12 regional lymph nodes are removed and pathologically examined for resected colon cancer		X						X		
0360	Esophageal Resection Mortality Rate (IQI 8)			X					X		
0361	Esophageal Resection Volume (IQI 1)			X					X		
0365	Pancreatic Resection Mortality Rate (IQI 9)			X					X		
0366	Pancreatic Resection Volume (IQI 2)			X					X		
0377	Myelodysplastic Syndrome (MDS) and Acute Leukemias – Baseline Cytogenetic Testing Performed on Bone Marrow		X						X		
0378	Documentation of Iron Stores in Patients Receiving Erythropoietin Therapy		X							X	
0379	Chronic Lymphocytic Leukemia (CLL) – Baseline Flow Cytometry		X						X		
0380	Multiple Myeloma – Treatment with Bisphosphonates		X						X		
0381	Oncology: Treatment Summary Communication – Radiation Oncology		X							X	
0382	Oncology: Radiation Dose Limits to Normal Tissues		X						X		
0383	Oncology: Plan of Care for Pain – Medical Oncology and Radiation Oncology (paired with 0384)		X							X	
0384	Oncology: Pain Intensity Quantified – Medical Oncology and Radiation Oncology (paired with 0383)		X							X	

CANCER		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0385	Oncology: Chemotherapy for Stage IIIA through IIIC Colon Cancer Patients		X							X	
0386	Oncology: Cancer Stage Documented		X							X	
0387	Oncology: Hormonal therapy for stage IC through IIIC, ER/PR positive breast cancer		X						X		
0388	Prostate Cancer: Three-Dimensional Radiotherapy		X						X		
0389	Prostate Cancer: Avoidance of Overuse Measure – Bone Scan for Staging Low-Risk Patients		X						X		
0390	Prostate Cancer: Adjuvant Hormonal Therapy for High-Risk Patients		X						X		
0391	Breast Cancer Resection Pathology Reporting- pT category (primary tumor) and pN category (regional lymph nodes) with histologic grade		X							X	
0392	Colorectal Cancer Resection Pathology Reporting- pT category (primary tumor) and pN category (regional lymph nodes) with histologic grade		X							X	
0455	Recording of Clinical Stage for Lung Cancer and Esophageal Cancer Resection		X							X	
0457	Recording of Performance Status (Zubrod, Karnofsky, WHO or ECOG Performance Status) Prior to Lung or Esophageal Cancer Resection		X							X	
0458	Pulmonary Function Tests before major anatomic lung resection (pneumonectomy, lobectomy)		X						X		
0459	Risk-Adjusted Morbidity after Lobectomy for Lung cancer			X					X		
0533	Postoperative Respiratory Failure Rate (PSI 11)			X					X		
0559	Combination chemotherapy is considered or administered within 4 months (120 days) of diagnosis for women under 70 with AJCC T1c, or Stage II or III hormone receptor negative breast cancer		X							X	
0561	Melanoma Coordination of Care		X							X	
0562	Overutilization of Imaging Studies in Melanoma		X						X		
0572	Follow-up after initial diagnosis and treatment of colorectal cancer: colonoscopy		X							X	
0623	History of Breast Cancer - Cancer Surveillance		X							X	
0625	History of Prostate Cancer - Cancer Surveillance		X							X	
0650	Melanoma Continuity of Care – Recall System		X							X	
0706	Risk Adjusted Colon Surgery Outcome Measure			X					X		
0738	Survival Predictor for Pancreatic Resection Surgery©			X					X		

Cardiovascular

CARDIOVASCULAR		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
Congestive Heart Failure											
0079	LV ejection fraction assessment (outpatient)		X				X				
0081	ACEI/ARB therapy for LVSD (outpatient)		X				X				
0083	Beta blocker for LVSD (outpatient)		X				X				
0135	Evaluation of LVSD		X				X				
0162	ACEI/ARB for LVSD (inpatient)		X				X				
0229	30-day RSMR for heart failure			X					X		
0277	CHF admission (PQI 8)		X						X		
0330	30-day RSRR for heart failure			X					X		
0358	CHF inpatient mortality IQI 16)			X					X		
0699	30-day post hospital HF discharge care transition composite				X					X	
Ischemic Heart Disease											
0076	Optimal vascular care				X	X					
0133	PCI mortality (risk-adjusted)			X					X		
0355	Bilateral cardiac catheterization rate		X						X		
0535	30-day RSMR for PCI without STEMI			X					X		
0536	30-day RSMR for PCI with STEMI			X					X		
0588	Drug-eluting stent on clopidogrel		X						X		
0669	Cardiac imaging for preoperative risk assessment for non-cardiac low-risk surgery		X								X
0670	Cardiac stress imaging not meeting appropriate use criteria: preoperative evaluation in low-risk surgery patients		X								X
0671	Cardiac stress imaging not meeting appropriate use criteria: routine testing after PCI		X								X
0672	Cardiac stress imaging not meeting appropriate use criteria: testing in asymptomatic, low-risk patients		X								X
0696	STS composite score [for CABG]				X				X		
0964	Therapy with aspirin, P2Y12 inhibitor and statin [after PCI]				X				X		
Acute Myocardial Infarction											
0132	Aspirin at arrival for AMI		X						X		
0137	ACEI/ARB for LVSD		X								
0142	Aspirin prescribed at discharge for AMI		X				X				
0160	Beta blocker prescribed at discharge for AMI		X				X				
0163	Primary PCI within 90 minutes		X						X		
0164	Fibrinolytic therapy within 30 minutes		X						X		
0230	30-day RSMR for AMI			X							
0286	Aspirin at arrival [for patients being transferred]		X						X		
0288	Fibrinolytic therapy within 30 minutes [transfer patients]		X						X		
0290	Median time to transfer for acute intervention		X						X		

CARDIOVASCULAR		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0505	30-day RSRR for AMI			X							
0639	Statin prescribed at discharge		X				X				
0660	Troponin results for ED AMI patients within 60 minutes		X						X		
0698	30-day post-hospital AMI discharge care transition composite				X					X	
0704	Proportion of AMI patients with potentially avoidable complications			X					X		
0710	AMI mortality rate [inpatient]			X					X		
Atrial Fibrillation											
0600	New atrial fibrillation: thyroid function test		X						X		
1524	Assessment of thromboembolic risk		X						X		
1525	Chronic anticoagulation therapy		X						X		

Cataract

CATARACT		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0564	Complications within 30 Days Following Cataract Surgery Requiring Additional Surgical Procedures			X					X		
0565	Cataracts: 20/40 or Better Visual Acuity within 90 Days Following Cataract Surgery			X					X		
1536	Cataracts: Improvement in Patient's Visual Function within 90 Days Following Cataract Surgery			X					X		

Child Health

CHILD HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0002	Appropriate testing for children with pharyngitis		X						X		
0005	CAHPS Clinician/Group Surveys - (Adult Primary Care, Pediatric Care, and Specialist Care Surveys)			X				X			
0009	CAHPS Health Plan Survey v 3.0 children with chronic conditions supplement			X				X			
0010	Young Adult Health Care Survey (YAHCS)			X				X			
0011	Promoting Healthy Development Survey (PHDS)			X				X			
0026 **	Measure pair - a. Tobacco use prevention for infants, children and adolescents, b. Tobacco use cessation for infants, children and adolescents		X			X	X				
0038	Childhood Immunization Status		X				X				
0060	Hemoglobin A1c test for pediatric patients		X					X			
0069	Appropriate treatment for children with upper respiratory infection (URI)		X					X			
0106	Diagnosis of attention deficit hyperactivity disorder (ADHD) in primary care for school age children and adolescents		X			X					
0107	Management of attention deficit hyperactivity disorder (ADHD) in primary care for school age children and adolescents		X			X					
0108	ADHD: Follow-Up Care for Children Prescribed Attention-Deficit/Hyperactivity Disorder (ADHD) Medication.		X			X					
0143	Use of relievers for inpatient asthma		X					X			
0144	Use of systemic corticosteroids for inpatient asthma		X					X			
0145	Neonate immunization administration		X								
0273	Perforated appendicitis (PQI 2)			X					X		
0278	Low birth weight (PQI 9)			X							
0303	Late sepsis or meningitis in neonates (risk-adjusted)			X					X		
0304	Late sepsis or meningitis in Very Low Birth Weight (VLBW) neonates (risk-adjusted)			X					X		
0334	PICU Severity-adjusted Length of Stay			X					X		
0335	PICU Unplanned Readmission Rate			X					X		
0337	Decubitus Ulcer (PDI 2)			X					X		
0339	Pediatric Heart Surgery Mortality (PDI 6) (risk adjusted)			X					X		
0340	Pediatric Heart Surgery Volume (PDI 7)	X							X		
0341	PICU Pain Assessment on Admission		X					X			
0342	PICU Periodic Pain Assessment		X					X			
0343	PICU Standardized Mortality Ratio			X					X		

CHILD HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0348	Iatrogenic Pneumothorax in Non-Neonates (PDI 5) (risk adjusted)			X					X		
0350	Transfusion Reaction (PDI 13)			X					X		
0406	Adolescent and adult clients with AIDS who are prescribed potent ART		X							X	
0410	STD - Syphilis Screening		X				X				
0474	Birth Trauma Rate: Injury to Neonates (PSI #17)			X					X		
0475	Measurement of Hepatitis B Vaccine Administration to All Newborns Prior to Hospital or Birthing Facility Discharge		X				X				
0477	Under 1500g infant Not Delivered at Appropriate Level of Care			X					X		
0478	Nosocomial Blood Stream Infections in Neonates (NQI #3)			X					X		
0479	Birth dose of hepatitis B vaccine and hepatitis immune globulin for newborns of mothers with chronic hepatitis B		X								
0480	Exclusive Breastfeeding at Hospital Discharge		X			X					
0481	First temperature measured within one hour of admission to the NICU.		X						X		
0482	First NICU Temperature < 36 degrees C			X					X		
0483	Proportion of infants 22 to 29 weeks gestation screened for retinopathy of prematurity.		X				X				
0484	Proportion of infants 22 to 29 weeks gestation treated with surfactant who are treated within 2 hours of birth.		X						X		
0485	Neonate immunization		X				X				
0494	Medical Home System Survey	X						X			
0504	Pediatric Weight Documented in Kilograms		X						X		
0532	Pediatric Patient Safety for Selected Indicators not submitted								X		
0587	Tympanostomy Tube Hearing Test		X				X				
0617	High Risk for Pneumococcal Disease - Pneumococcal Vaccination		X				X				
0713	Ventriculoperitoneal (VP) shunt malfunction rate in children			X					X		
0714	Standardized mortality ratio for neonates undergoing non-cardiac surgery			X					X		
0715	Standardized adverse event ratio for children and adults undergoing cardiac catheterization for congenital heart disease			X					X		
0716	Healthy Term Newborn			X					X		
0717	Number of School Days Children Miss Due to Illness			X				X			
0718	Children Who Have No Problems Obtaining Referrals When Needed			X				X			
0719	Children Who Receive Effective Care Coordination of Healthcare Services When Needed			X						X	
0720	Children Who Live in Communities Perceived as Safe			X		X					

CHILD HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0721	Children Who Attend Schools Perceived as Safe			X		X					
0722	Pediatric Symptom Checklist (PSC)			X				X			
0723	Children Who Have Inadequate Insurance Coverage For Optimal Health			X							X
0724	Measure of Medical Home for Children and Adolescents	X				X					
0725	Validated family-centered survey questionnaire for parents' and patients' experiences during inpatient pediatric hospital stay			X				X			
0726	Inpatient Consumer Survey (ICS)			X				X			
0727	Gastroenteritis Admission Rate (pediatric)			X					X		
0728	Asthma Admission Rate (pediatric)			X					X		
0752	National Healthcare Safety Network (NHSN) Central line-associated Bloodstream Infection (CLABSI) Outcome Measure			X					X		
1330	Children With a Usual Source for Care When Sick		X			X					
1332	Children Who Receive Preventive Medical Visits			X			X				
1333	Children Who Receive Family-Centered Care		X					X			
1334	Children Who Received Preventive Dental Care			X			X				
1335	Children Who Have Dental Decay or Cavities			X					X		
1337	Children With Inconsistent Health Insurance Coverage in the Past 12 Months		X								X
1340	Children with Special Health Care Needs (CSHCN) who Receive Services Needed for Transition to Adult Health Care			X						X	
1346	Children Who Are Exposed To Secondhand Smoke Inside Home			X		X					
1348	Children Age 6-17 Years who Engage in Weekly Physical Activity			X		X					
1349	Child Overweight or Obesity Status Based on Parental Report of Body-Mass-Index (BMI)			X		X					
1351	Proportion of infants covered by Newborn Bloodspot Screening (NBS)		X				X				
1354	Hearing screening prior to hospital discharge (EHDI-1a)		X				X				
1357	Outpatient hearing screening of infants who did not complete screening before hospital discharge (EHDI-1c)		X				X				
1360	Audiological Evaluation no later than 3 months of age (EHDI-3)		X				X				
1361	Intervention no later than 6 months of age (EHDI-4a)		X				X				
1364	Child and Adolescent Major Depressive Disorder: Diagnostic Evaluation		X				X				
1365	Child and Adolescent Major Depressive Disorder: Suicide Risk Assessment		X				X				
1382	Percentage of low birthweight births			X					X		
1385	Developmental screening using a parent completed screening tool (Parent report, Children 0-5)		X				X				

CHILD HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
1388	Annual Dental Visit			X			X				
1392	Well-Child Visits in the First 15 Months of Life		X				X				
1394	Depression Screening By 13 years of age		X				X				
1395	Chlamydia Screening and Follow Up		X				X			X	
1396	Healthy Physical Activity by 6 years of age		X			X				X	
1397	Sudden Infant Death Syndrome Counseling		X					X			
1399	Developmental Screening by 2 Years of Age		X				X				
1402	Newborn Hearing Screening		X				X				
1406	Risky Behavior Assessment or Counseling by Age 13 Years		X			X					
1407	Immunizations by 13 years of age		X				X				
1412	Pre-School Vision Screening in the Medical Home		X				X				
1419	Primary Caries Prevention Intervention as Part of Well/Ill Child Care as Offered by Primary Care Medical Providers		X				X				
1448	Developmental Screening in the First Three Years of Life		X				X				
1506	Immunizations by 18 years of age		X				X				
1507	Risky Behavior Assessment or Counseling by Age 18 Years		X				X				
1512	Healthy Physical Activity by 13 years of age		X			X					
1514	Healthy Physical Activity by 18 years of age		X			X					
1515	Depression Screening By 18 years of age		X				X				
1516	The percentage of members 3–6 years of age who received one or more well-child visits with a PCP during the measurement year.		X				X				
1552	Blood Pressure Screening by age 13		X				X				
1553	Blood Pressure Screening by Age 18		X				X				

Depression and Serious Mental Illness

DEPRESSION, SERIOUS MENTAL ILLNESS		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0008	Experience of Care and Health Outcomes (ECHO) Survey (behavioral health, managed care versions)			X				X			
0103	Major Depressive Disorder: Diagnostic Evaluation		X			X	X				
0104	Major Depressive Disorder: Suicide Risk Assessment		X			X	X				
0105	Antidepressant Medication Management		X			X			X		
0109	Bipolar Disorder and Major Depression: Assessment for Manic or hypomanic behaviors		X			X	X				
0110	Bipolar Disorder and Major Depression: Appraisal for alcohol or chemical substance use		X			X	X				
0111	Bipolar Disorder: Appraisal for risk of suicide		X			X	X				
0112	Bipolar Disorder: Level-of-function evaluation		X			X	X				
0418	Screening for Clinical Depression		X			X	X				
0518	Depression Assessment Conducted		X			X	X				
0544	Use and Adherence to Antipsychotics among members with Schizophrenia		X			X		X			
0552	HBIPS-4: Patients discharged on multiple antipsychotic medications		X						X		
0557	HBIPS-6 Post discharge continuing care plan created		X					X			
0558	HBIPS-7 Post discharge continuing care plan transmitted to next level of care provider upon discharge		X							X	
0576	Follow-Up After Hospitalization for Mental Illness		X							X	
0580	Bipolar anti-manic agent		X			X			X		
0690	Percent of Residents Who Have Depressive Symptoms (Long-Stay)			X		X					
0710	Depression Remission at Twelve Months			X		X		X			
0711	Depression Remission at Six Months			X		X		X			
0712	Depression Utilization of the PHQ-9 Tool		X			X	X				
0722	Pediatric Symptom Checklist (PSC)		X				X				
0726	Inpatient Consumer Survey (ICS) consumer evaluation of inpatient behavioral healthcare services			X		X		X			
1364	Child and Adolescent Major Depressive Disorder: Diagnostic Evaluation		X			X	X				
1365	Child and Adolescent Major Depressive Disorder: Suicide Risk Assessment		X			X	X				
1394	Depression Screening By 13 years of age		X			X	X				
1401	Maternal Depression Screening		X			X	X				
1515	Depression Screening By 18 years of age		X			X	X				

Diabetes

Diabetes		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0003	Bipolar Disorder: Assessment for diabetes		X								
0055	Eye exam		X								
0056	Foot exam		X								
0057	HbA1c test performed		X								
0059	HbA1c >9% (poor control)			X							
0060	HbA1c for pediatric patients		X								
0061	Blood pressure control: BP < 140/90			X							
0062	Urine protein screening		X								
0063	Lipid profile		X								
0064	LDL control			X							
0066	Chronic Stable Coronary Artery Disease: ACE Inhibitor or ARB Therapy—Diabetes or Left Ventricular Systolic Dysfunction (LVEF<40%)		X								
0088	Obstructive Diabetic Retinopathy: Documentation of Presence or Absence of Macular Edema and Level of Severity of Retinopathy		X								
0089	Diabetic Retinopathy: Communication with the physician managing ongoing diabetes care		X								
0272	Diabetes short-term complications admission rate (PQI 1)			X							
0274	Diabetes long-term complications admission rate (PQI 3)			X							
0285	Rate of lower-extremity amputation among patients with diabetes (PQI 16)			X							
0416	Diabetic Foot & Ankle Care, Ulcer Prevention – Evaluation of Footwear		X								
0417	Diabetic Foot & Ankle Care, Peripheral Neuropathy – Neurological Evaluation		X								
0451	Call for a measure of glycemic control with intravenous insulin implementation		X								
0519	Diabetic Foot Care and Patient Education Implemented		X								
0545	Adherence to Chronic Medications for Individuals with Diabetes Mellitus		X								
0546	Diabetes Suboptimal Treatment Regimen (SUB)		X								
0547	Diabetes and Medication Possession Ratio for Statin Therapy		X								
0550	Chronic Kidney Disease, Diabetes Mellitus, Hypertension and Medication Possession Ratio for ACEI/ARB Therapy		X								
0575	Comprehensive Diabetes Care: HbA1c control (<8.0%)			X							
0582	Diabetes and Pregnancy: Avoidance of Oral Hypoglycemic Agents		X								
0603	Adult(s) taking insulin with evidence of self-monitoring blood glucose testing.		X								

Diabetes		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0604	Adult(s) with diabetes mellitus that had a serum creatinine in last 12 reported months		X								
0618	Diabetes with LDL greater than 100-Use of a Lipid Lowering Agent		X								
0619	Diabetes with hypertension or proteinuria-Use of an ACE Inhibitor or ARB		X								
0630	Diabetes and elevated HbA1C-Use of diabetes medications		X								
0632	Primary prevention of cardiovascular events in diabetics-Use of Aspirin or Antiplatelet therapy		X								
0638	Uncontrolled diabetes admission rate (PQI 14)			X							
0709	Proportion of patients with a chronic condition that have a potentially avoidable complication during a calendar year			X					X		
0729	Optimal diabetes care				X	X	X				
0731	Comprehensive diabetes care				X						

Glaucoma

GLAUCOMA		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0563	Primary Open-Angle Glaucoma: Reduction of Intraocular Pressure by 15% or Documentation of a Plan of Care			X			X				
0086	Primary Open Angle Glaucoma: Optic Nerve Evaluation		X				X				

Hip/Pelvic Fracture

HIP/PELVIC FRACTURE		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0354	Hip Fracture Mortality Rate (IQI 19) (risk adjusted)			X					X		
0423	Functional status change for patients with hip impairments			X						X	
0697	Risk Adjusted Case Mix Adjusted Elderly Surgery Outcomes Measure			X					X		
1550	Hospital-level risk-standardized complication rate (RSCR) following elective primary total hip arthroplasty (THA) and total knee arthroplasty (TKA)			X					X		
1551	Hospital-level 30-day all-cause risk-standardized readmission rate (RSRR) following elective primary total hip arthroplasty (THA) and total knee arthroplasty (TKA)			X					X		

Maternal Health

MATERNAL HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0012	Prenatal Screening for Human Immunodeficiency Virus (HIV)		X				X				
0014	Prenatal Anti-D Immune Globulin		X						X		
0015	Prenatal Blood Groups (ABO), D (Rh) Type		X						X		
0016	Prenatal Blood Group Antibody Testing		X						X		
0333	Severity-Standardized ALOS – Deliveries			X					X		
0469	Elective delivery prior to 39 completed weeks gestation		X								X
0470	Incidence of Episiotomy		X					X			
0471	Cesarean Rate for low-risk first birth women (aka NTSV CS rate)			X							X
0472	Prophylactic Antibiotic Received Within One Hour Prior to Surgical Incision or at the Time of Delivery – Cesarean section.		X						X		
0473	Appropriate DVT prophylaxis in women undergoing cesarean delivery		X						X		
0476	Appropriate Use of Antenatal Steroids		X						X		

MATERNAL HEALTH		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0502	Pregnancy test for female abdominal pain patients.		X						X		
0582	Diabetes and Pregnancy: Avoidance of Oral Hypoglycemic Agents		X						X		
0606	Pregnant women that had HIV testing.	X							X		
0607	Pregnant women that had syphilis screening.		X				X				
0608	Pregnant women that had HBsAg testing.		X						X		
0651	Ultrasound determination of pregnancy location for pregnant patients with abdominal pain		X						X		
0652	RH Immunoglobulin (rhogam) for RH negative pregnant women at risk of fetal blood exposure		X						X		
1391	Frequency of Ongoing Prenatal Care (FPC): The percentage of Medicaid deliveries between November 6 of the year prior to the measurement year and November 5 of the measurement year that received the following number of expected prenatal visits.			X						X	
1401	Maternal Depression Screening		X				X				
1517	Prenatal and Postpartum Care			X						X	

Osteoporosis

OSTEOPOROSIS		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0037	Osteoporosis testing in older women		X				X				
0045	Osteoporosis: Communication with the Physician Managing Ongoing Care Post Fracture of Hip, Spine or Distal Radius for Men and Women Aged 50 Years and Older		X							X	
0046	Osteoporosis: Screening or Therapy for Women Aged 65 Years and Older		X				X				
0048	Osteoporosis: Management Following Fracture of Hip, Spine or Distal Radius for Men and Women Aged 50 Years and Older		X							X	

OSTEOPOROSIS		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0049	Osteoporosis: Pharmacologic Therapy for Men and Women Aged 50 Years and Older		X						X		
0053	Osteoporosis management in women who had a fracture		X							X	
0614	Steroid Use - Osteoporosis Screening		X				X				
0633	Osteopenia and Chronic Steroid Use - Treatment to Prevent Osteoporosis		X				X				
0634	Osteoporosis - Use of Pharmacological Treatment		X						X		

Pulmonary

PULMONARY		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
Asthma											
0036	Use of appropriate medications for people with asthma		X				X				
0047	Asthma: Pharmacologic Therapy for Persistent Asthma		X				X				
0143	CAC-1: Relievers for Inpatient Asthma		X						X		
0144	CAC-2 Systemic corticosteroids for Inpatient Asthma		X						X		
0283	Adult asthma (PQI 15)			X					X		
0338	Home Management Plan of Care Document Given to Patient/Caregiver		X					X			
0548	Suboptimal Asthma Control (SAC) and Absence of Controller Therapy (ACT)		X						X		
0620	Asthma - Use of Short-Acting Beta Agonist Inhaler for Rescue Therapy		X				X				
0728	Asthma Admission Rate (pediatric)			X					X		
1381	Asthma Emergency Department Visits			X							X
Pneumonia											
0043	Pneumonia vaccination status for older adults		X				X				
0044	Pneumonia Vaccination		X				X				

PULMONARY		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0058	Avoidance of Antibiotic Treatment in Adults with Acute Bronchitis		X						X		
0095	Assessment Mental Status for Community-Acquired Bacterial Pneumonia		X						X		
0096	Empiric Antibiotic for Community-Acquired Bacterial Pneumonia		X						X		
0147	Initial antibiotic selection for community-acquired pneumonia (CAP) in immunocompetent patients		X						X		
0148	Blood cultures performed in the emergency department prior to initial antibiotic received in hospital		X						X		
0231	Pneumonia Mortality Rate (IQI #20)			X					X		
0232	Vital Signs for Community-Acquired Bacterial Pneumonia		X						X		
0233	Assessment of Oxygen Saturation for Community Acquired Bacterial Pneumonia		X						X		
0279	Bacterial pneumonia (PQI 11)			X					X		
0356	PN3a--Blood Cultures Performed Within 24 Hours Prior to or 24 Hours After Hospital Arrival for Patients Who Were Transferred or Admitted to the ICU Within 24 Hours of Hospital Arrival		X						X		
0468	Hospital 30-day, all-cause, risk-standardized mortality rate (RSMR) following pneumonia hospitalization			X					X		
0506	Hospital 30-day, all-cause, risk-standardized readmission rate (RSRR) following pneumonia hospitalization			X					X		
0617	High Risk for Pneumococcal Disease - Pneumococcal Vaccination		X				X				
0683	Percent of Residents Assessed and Appropriately Given the Pneumococcal Vaccine (Long-Stay)		X				X				
0707	30-Day Post-Hospital PNA (Pneumonia) Discharge Care Transition Composite				X					X	
0708	Proportion of Patients Hospitalized with Pneumonia that have a Potentially Avoidable Complication (during the Index Stay or in the 30-day Post-Discharge Period)			X					X		
Chronic Obstructive Pulmonary Disease (COPD)											
0091	COPD: spirometry evaluation		X				X				
0102	COPD: inhaled bronchodilator therapy		X					X			
0179	Improvement in dyspnea			X					X		
0275	Chronic obstructive pulmonary disease (PQI 5)			X					X		
0549	Pharmacotherapy Management of COPD Exacerbation (PCE): Two rates are reported.		X						X		
0577	Use of Spirometry Testing in the Assessment and Diagnosis of COPD		X				X				
0667	Inappropriate Pulmonary CT Imaging for Patients at Low Risk for Pulmonary Embolism		X						X		
0700	Health-related Quality of Life in COPD patients before and after Pulmonary Rehabilitation			X			X				

PULMONARY		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0701	Functional Capacity in COPD patients before and after Pulmonary Rehabilitation			X			X				
0709	Proportion of patients with a chronic condition that have a potentially avoidable complication during a calendar year.			X					X		
0593	Pulmonary Embolism Anticoagulation >= 3 Months		X						X		

Renal Disease

RENAL DISEASE		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0226	Influenza Immunization in the ESRD Population (Facility Level)		X				X				
0227	Influenza Immunization		X			X	X				
0247	Hemodialysis Adequacy Clinical Performance Measure I: Hemodialysis Adequacy- Monthly measurement of delivered dose		X							X	
0248	Hemodialysis Adequacy Clinical Performance Measure II: Method of Measurement of Delivered Hemodialysis Dose		X						X		
0249	Hemodialysis Adequacy Clinical Performance Measure III: Hemodialysis Adequacy--HD Adequacy-- Minimum Delivered Hemodialysis Dose			X					X		
0250	ESRD- HD Adequacy CPM III: Minimum Delivered Hemodialysis Dose for ESRD hemodialysis patients undergoing dialytic treatment for a period of 90 days or greater.			X					X		
0251	Vascular Access—Functional Arteriovenous Fistula (AVF) or AV Graft or Evaluation by Vascular Surgeon for Placement			X					X		
0252	Assessment of Iron Stores		X				X			X	
0253	Peritoneal Dialysis Adequacy Clinical Performance Measure I - Measurement of Total Solute Clearance at Regular Intervals		X							X	
0254	Peritoneal Dialysis Adequacy Clinical Performance Measure II - Calculate Weekly KT/Vurea in the Standard Way		X							X	
0255	Measurement of Serum Phosphorus Concentration		X							X	

RENAL DISEASE		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0256	Hemodialysis Vascular Access- Minimizing use of catheters as Chronic Dialysis Access		X							X	
0257	Hemodialysis Vascular Access- Maximizing Placement of Arterial Venous Fistula (AVF)		X						X		
0258	CAHPS In-Center Hemodialysis Survey			X				X			
0259	Hemodialysis Vascular Access Decision-making by surge onto Maximize Placement of Autogenous Arterial Venous Fistula		X						X		
0260	Assessment of Health-related Quality of Life in Dialysis Patients		X					X			
0261	Measurement of Serum Calcium Concentration		X							X	
0262	Vascular Access—Catheter Vascular Access and Evaluation by Vascular Surgeon for Permanent Access.		X						X		
0318	Peritoneal Dialysis Adequacy Clinical Performance Measure III - Delivered Dose of Peritoneal Dialysis Above Minimum			X						X	
0320	Patient Education Awareness—Physician Level		X							X	
0321	Peritoneal Dialysis Adequacy: Solute			X						X	
0323	Hemodialysis Adequacy: Solute			X						X	
0324	Patient Education Awareness—Facility Level		X							X	
0369	Dialysis Facility Risk-adjusted Standardized Mortality Ratio			X					X		
0370	Monitoring hemoglobin levels below target minimum			X						X	
0550	Chronic Kidney Disease, Diabetes Mellitus, Hypertension and Medication Possession Ratio for ACEI/ARB Therapy		X							X	
0570	CHRONIC KIDNEY DISEASE (CKD): MONITORING PHOSPHORUS		X							X	
0571	CHRONIC KIDNEY DISEASE (CKD): MONITORING PARATHYROID HORMONE (PTH)		X							X	
0574	CHRONIC KIDNEY DISEASE (CKD): MONITORING CALCIUM		X							X	
0617	High Risk for Pneumococcal Disease - Pneumococcal Vaccination		X				X				
0626	Chronic Kidney Disease - Lipid Profile Monitoring		X							X	
0627	Chronic Kidney Disease with LDL Greater than or equal to 130 – Use of Lipid Lowering Agent		X							X	
1418	Frequency of Adequacy Measurement for Pediatric Hemodialysis Patients		X							X	
1421	Method of Adequacy Measurement for Pediatric Hemodialysis Patients		X							X	
1423	Minimum spKt/V for Pediatric Hemodialysis Patients			X						X	
1424	Monthly Hemoglobin Measurement for Pediatric Patients		X							X	
1425	Measurement of nPCR for Pediatric Hemodialysis Patients		X							X	
1433	Use of Iron Therapy for Pediatric Patients		X							X	
1438	Periodic Assessment of Post-Dialysis Weight by Nephrologists		X							X	
1454	Proportion of patients with hypercalcemia			X					X		
1460	Bloodstream Infection in Hemodialysis Outpatients			X					X		

RENAL DISEASE		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
1463	Standardized Hospitalization Ratio for Admissions			X					X		
1653	Pneumococcal Immunization (PPV 23)		X				X				

Rheumatoid Arthritis / Osteoarthritis

RHEUMATOID ARTHRITIS/ OSTEOARTHRITIS		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
0050	Osteoarthritis: Function and Pain Assessment		X				X				
0051	Osteoarthritis: assessment for use of anti-inflammatory or analgesic over-the-counter (OTC) medications		X						X		
0054	Arthritis: disease modifying antirheumatic drug (DMARD) therapy in rheumatoid arthritis		X						X		
0422	Functional status change for patients with knee impairments			X						X	
0423	Functional status change for patients with hip impairments			X						X	
0424	Functional status change for patients with foot/ankle impairments			X						X	
0425	Functional status change for patients with lumbar spine impairments			X						X	
0426	Functional status change for patients with shoulder impairments			X						X	
0427	Functional status change for patients with elbow, wrist or hand impairments			X						X	
0428	Functional status change for patients with general orthopedic impairments			X						X	
0589	Rheumatoid Arthritis New DMARD Baseline Serum Creatinine		X						X		
0590	Rheumatoid Arthritis New DMARD Baseline Liver Function Test		X						X		
0591	Rheumatoid Arthritis New DMARD Baseline CBC		X						X		
0592	Rheumatoid Arthritis Annual ESR or CRP		X						X		
0597	Methotrexate: LFT within 12 weeks		X						X		
0598	Methotrexate: CBC within 12 weeks		X						X		
0599	Methotrexate: Creatinine within 12 weeks		X						X		
0601	New Rheumatoid Arthritis Baseline ESR or CRP within Three Months		X						X		
0585	Hydroxychloroquine annual eye exam										

Stroke

STROKE		Measure Type				National Priorities					
		Structure	Process	Outcome	Composite	Healthy Living, BH	Prevention	Patient Centered	Safer Care	Care Coordination	Affordable Care
467	Acute Stroke Mortality Rate (IQI 17)			X			X				
241	Anticoagulant Therapy Prescribed for Atrial Fibrillation at Discharge		X						X		
661	Head CT or MRI Scan Results for Acute Ischemic Stroke or Hemorrhagic Stroke Patients who Received Head CT or MRI Scan Interpretation Within 45 minutes of ED Arrival.		X						X		
705	Proportion of Patients Hospitalized with Stroke that have a Potentially Avoidable Complication (during the Index Stay or in the 30-day Post-Discharge Period)			X					X		
440	Stroke Education		X					X			
441	Assessed for Rehabilitation		X							X	
438	Antithrombotic therapy by end of Hospital Day Two								X		
439	Discharged on statin medication		X						X		
435	Discharged on Antithrombotic Therapy		X						X		
243	Screening for Dysphagia		X						X		
446	Functional Communication Measure: Reading		X							X	
448	Functional Communication Measure: Memory		X							X	
445	Functional Communication Measure: Spoken Language Comprehension		X							X	
444	Functional Communication Measure: Spoken Language Expression		X							X	
442	Functional Communication Measure: Writing		X							X	
447	Functional Communication Measure: Motor Speech		X							X	
448	Functional Communication Measure: Swallowing		X							X	
644	Patients with a transient ischemic event ER visit that had a follow up office visit.		X							X	
242	t-PA considered		X						X		
434	VTE Prophylaxis		X						X		

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IV. Secretarial Comments on the Annual Report to Congress

The Secretary is pleased with the scope and vision of NQF's March 2012 annual report to Congress (the ''annual report''). An internal multidisciplinary cross-component HHS team is working collaboratively with NQF to provide for a clear multi-year vision to ensure the most efficient and effective utilization of the HHS contract. The contract with NQF provides an important opportunity to further enhance HHS' efforts to foster a collaborative, multi-stakeholder approach to increase the availability of national voluntary consensus standards for quality and efficiency measures.

Over the past year NQF continued work on tasks outlined in the Statement of Work, including: Providing additional input on the development of a national strategy for performance measurement and prioritization of measures for development and endorsement; conducting measure endorsement projects focused on measure gap areas such as outcomes measures and patient safety measures; maintaining current NQF-endorsed measures; promoting Electronic Health Records through activities that include developing a measure authoring software tool; and retooling of a subset of existing NQF-endorsed measures into electronic measure format. NQF provided input on the implementation of the national priorities of the National Strategy for Quality Improvement in Healthcare (NQS). The NQF convened the National Priorities Partnership (NPP) and delivered a report that focused further on enhancing patient safety, one of the six NQS priorities. The NPP worked with HHS on the Partnership for Patients initiative. The

NQF continued its endorsement of quality measures for use in accountability and performance improvement with a focus on crosscutting measures and measures addressing costly and prevalent health conditions. NQF convened the Measure Applications Partnership (MAP) to foster alignment of measures in order to reduce reporting burden and accelerate improvement in reporting. The MAP provided pre-rulemaking guidance to HHS, including input on the selection of quality and efficiency measures.

The Secretary has reviewed the annual report and has the following comments. First, the Secretary notes an inadvertent statement in the annual report. The statement appears in the third sentence of the first paragraph on page 16 of the Report to Congress under the section entitled ''3. Endorsing Measures and Developing Related Tools''. It refers to NQF-endorsed measures and states they have ''special legal standing''. The suggestion that NQF-endorsed measures enjoy ''special legal standing'' is ambiguous and could be misinterpreted. Numerous statutory provisions in the Social Security Act (the ''Act'') require the Secretary to specify measures for quality programs that have been endorsed by the consensus-based entity with a contract under section 1890(a) of the Act. NQF currently holds this contract and the Secretary often selects NQF-endorsed measures for quality programs. Nonetheless, the suggestion that these measures ''have special legal standing'' does not describe the significance of NQF endorsement for measures the Secretary selects. In addition, this statement oversimplifies the complex intellectual property concerns that frequently attend federal agency use, adoption, and dissemination of NQF-endorsed measures.

Second, the Secretary wishes to clarify a statement that has the potential to be misleading. This statement appears in the final sentence of the first full paragraph on page 7 of the Report to Congress and states: ''As it turns out, NQF has already endorsed measures for medication reconciliation, readmission, and care transitions that apply to additional settings and populations so these measures can move right into other federal programs.'' This sentence is vague and the reference to measures moving 'right into other federal programs' does not accurately describe the process by which measures are selected for use in quality programs.

Third, the Secretary also wishes to clarify a statement in the sentence in the middle of the second column in ''Sidebar 5: Harmonizing Surgical-Site Infection Measures'' on page 20 of the Report to Congress. The sentence states: ''Notably, CMS has selected this harmonized measure for inclusion in the 2012 final rule of the Inpatient Prospective Payment System (IPPS).'' This sentence suggests that the referenced measure—Surgical Site Infection—was included in Fiscal Year 2012 Inpatient Prospective Payment System (IPPS)/Long term Care Hospital Prospective Payment System final rule as part of the payment for the IPPS program, when in fact this measure was finalized in that rule for use in the Hospital Inpatient Quality Reporting (''Hospital IQR'') program.

Fourth, the section entitled ''Eight Years of Hospital Reporting Show Results'' on page 31 of the Report to Congress discusses simultaneous reporting on measures by hospitals to the Centers for Medicare & Medicaid Services (''CMS''), presumably for the Hospital IQR program, and to the Joint Commission for hospital accreditation. Although there may be some overlap in the measures on which hospitals report to CMS and the Joint Commission, this section suggests that CMS and the Joint Commission run the Hospital IQR program together, which is not the case.

Fifth, the Secretary notes some ambiguity with respect to the description of funding that NQF receives from the MIPPA and the Affordable Care Act. Specifically the language in the Report to Congress implies that the two laws directly appropriated funds to the NQF, which is not accurate. The NQF receives MIPPA and Affordable Care Act funding through a contract from HHS. In addition, regarding the first bullet point before the text box entitled 'Working with NQF Helped Spur Rapid Evolution of Ophthalmology Measures,' the Secretary clarifies that section 3014 of the Affordable Care Act amended section 1890(b) of the Social Security Act by adding paragraphs (7) and (8), which require NQF to convene multi-stakeholder groups to provide input on the selection of quality and efficiency measures and national priorities for improvement in population health and the delivery of healthcare services for consideration under the national strategy, and to transmit the multi-stakeholder group input to the Secretary.

Sixth, the Secretary also wishes to note that section 3014 of the Affordable Care Act added additional items that must be included in the report that the consensus-based entity submits to Congress and the Secretary that are not included in the last bullet in the narrative prior to the next section, '2 Bridging Consensus About Improvement Priorities and Approaches,' of the Report to Congress. Section 3014 of the Affordable Care Act amended section 1890(b)(5)(A) of the Social Security Act to require that the report submitted to Congress and the Secretary identify gaps in endorsed quality and efficiency measures, including gaps in priority areas identified in the national strategy, instances where quality and efficiency measures are unavailable or inadequate to address such gaps, areas in which evidence is insufficient to support endorsement of quality and efficiency measures, including priority areas, as well as the input provided by multi-stakeholder groups on the selection of quality and efficiency measures and the national priorities.

Finally, the Secretary wishes to clarify the first sentence in the second paragraph on page 1 of the Overview section of the NQF Report on Measure Gaps and Inadequacies. Section 3014 of the Affordable Care Act amended section 1890(b)(5)(A) of the Act to add additional topics to the items that must be described in the Report to Congress, but these amendments did not change the date by which the entity with a contract is required to submit the Report to Congress and the Secretary. That date is March 1 of each year (beginning in 2009), not February 1, 2012 and annually thereafter, as the addendum states.

The Secretary is pleased with the progress and timeliness of the work outlined in the Annual Report.

V. Future Steps

HHS provided a four-year contract to NQF. During this performance year of the contract, NQF completed deliverables for each task required by section 183 in MIPPA and by section 3014 in Affordable Care Act. In the final year of the contract, HHS will continue to task NQF with projects than can be completed wholly or partially by the expiration of the current contract. In addition, HHS will develop a contract mechanism to support the Affordable Care Act-required work needed through FY2014.

Maintenance of Consensus-Based Endorsed Measures

During January 14, 2012 to January 13, 2013, NQF will maintain endorsed measures relevant to HHS-wide programs and will continue to maintain consensus-based endorsed measures as developed under the priority process. Maintenance of NQF-endorsed measures encompasses five areas: (1) Review of time-limited measure results, (2) annual updates, (3) endorsement maintenance

projects, (4) ad hoc reviews, and (5) education to measure developers on endorsement maintenance activities. In 2012, 42 time-limited endorsed measures are expected to undergo NQF review while 276 measures will require annual updates. Measures in these topical areas are undergoing endorsement maintenance: Cardiovascular, surgery, palliative/end-of-life-care, renal, perinatal, cancer, and pulmonary/critical care measures. In addition, NQF will begin endorsement maintenance projects for the following four topics: Gastrointestinal/genitourinary; infectious diseases; neurology; head, ears, eyes, nose and throat (HEENT). Finally, NQF is prepared to undertake ad hoc endorsement reviews as needed and will be hosting web-based educational events on its endorsement maintenance activities.

Promotion of Electronic Health Records

In 2012, NQF will continue to support the promotion of electronic health records as part of HHS-wide efforts. NQF's contributions will include enhancements of the Quality Data Model, which specify the necessary data for electronic and personal health records. NQF will continue hosting and enhancing the Measure Authoring Tool, and will provide technical assistance and support to tool users. NQF will also maintain an online Knowledge Base of information gleaned during the eMeasure retooling process of 2011, the subsequent comment and updating process, and the ongoing consulting activities that began in 2011. The Knowledge Base will be available on the NQF Web site for public use and updated at a minimum on a monthly basis to highlight new critical issues that are identified. The content of the Knowledge Base will support educational requirements for measure developers, measure implementers, EHR vendors, clinician, health care organizations, health information exchanges, and others as new stakeholders are identified. In addition, NQF will help HHS transition the Measure Authoring Tool to HHS for continued hosting and enhancements.

Focused Measure Development, Harmonization, and Endorsement Efforts To Fill Critical Gaps in Performance Measurement

In 2012, NQF will finish endorsement efforts focused on efficiency/resource use measures and regionalized emergency care services. In addition, NQF will perform an assessment of need among key stakeholders for a measure registry, a system capturing the lifecycle of a measure with capability to track versions of measures as they proceed through their lifecycle. Such a registry could assist measure developers and users to better identify measures in development, especially those identified as filling critical gaps, and how measures are similar and different version to version. General issues/concerns regarding establishing, using, and maintaining a registry (e.g., intellectual property, data quality, incentives for use) will be explored specific to health care performance and cost measures.

Convening Multi-Stakeholder Groups

NQF will continue work to provide further input into the National Quality Strategy and annual selection of quality measures for use in public and private reporting programs and value-based purchasing programs.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the paperwork Reduction Act of 1995 (44 U.S.C. 35)

Dated: August 27, 2012.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2012–22379 Filed 9–13–12; 8:45 am]

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To authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the House of Representatives at no net cost to the Federal Government. (Aug. 16, 2012; 126 Stat. 1303)

H.R. 3670/P.L. 112–171

To require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act. (Aug. 16, 2012; 126 Stat. 1306)

H.R. 4240/P.L. 112–172

Ambassador James R. Lilley and Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012 (Aug. 16, 2012; 126 Stat. 1307)

S. 3510/P.L. 112–173

To prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes. (Aug. 16, 2012; 126 Stat. 1310)

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