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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 217

RIN 1601–AA67

Designation of Taiwan for the Visa Waiver Program

AGENCY: Office of the Secretary, DHS.

ACTION: Final rule.

SUMMARY: Eligible citizens, nationals and passport holders from designated Visa Waiver Program countries [1] may apply for admission to the United States at U.S. ports of entry as nonimmigrant aliens for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. On October 2, 2012, the Secretary of Homeland Security, in consultation with the Secretary of State and with reference to the Taiwan Relations Act of 1979, designated Taiwan for participation in the Visa Waiver Program. Accordingly, this rule updates the list of countries designated for participation in the Visa Waiver Program by adding Taiwan.

DATES: This final rule is effective on November 1, 2012.

FOR FURTHER INFORMATION CONTACT: Gianfranco Corti, Department of Homeland Security, Visa Waiver Program Office, (202) 282–8732.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Visa Waiver Program

Pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, the Secretary of Homeland Security (the Secretary), in consultation with the Secretary of State, may designate certain countries as Visa Waiver Program (VWP) countries if certain requirements are met. Those requirements include, without limitation: (1) Meeting the statutory rate of nonimmigrant visitor visa refusals for nationals of the country; (2) a government certification that it issues machine-readable passports that comply with internationally accepted standards; (3) a U.S. government determination that the country's designation would not negatively affect U.S. law enforcement and security interests; (4) an agreement to report, or make available through other designated means, to the U.S. government information about the theft or loss of passports; (5) the government acceptance for repatriation any citizen, former citizen, or national not later than three weeks after the issuance of a final order of removal; and (6) an agreement with the United States to share information regarding whether citizens or nationals of the country represent a threat to the security or welfare of the United States or its citizens.

The INA also sets forth requirements for continued eligibility and, where appropriate, probation and/or termination of program countries.

The current designated countries in the VWP include Andorra, Australia, Austria, Belgium,[2] Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.[3] *See* 8 CFR 217.2(a).

Citizens and eligible nationals of VWP countries may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. To travel to the United States under the VWP, an alien must be from a participating country and must satisfy the following:

(1) Be seeking entry as a tourist for ninety days or less;

(2) Be a national of a program country;

(3) Present an electronic passport or a machine-readable passport issued by a designated VWP participant country to the air or vessel carrier before departure; [4]

(4) Execute the required immigration forms;

(5) If arriving by air or sea, arrive on an authorized carrier;

(6) Not represent a threat to the welfare, health, safety or security of the United States;

(7) Have not violated U.S. immigration law during a previous admission under the VWP;

(8) Possess a round-trip ticket;

(9) Waive the right to review or appeal a decision regarding admissibility or to contest, other than on the basis of an application for asylum, any action for removal; and

(10) Obtain an approved travel authorization via the Electronic System for Travel Authorization (ESTA). ESTA is an automated system that determines the eligibility of visitors to travel to the U.S. under the Visa Waiver Program. For more information about the ESTA, please see the interim final rule at 73 FR 32440 (June 9, 2008), and implementing notice at 73 FR 67354 (November 13, 2008). *See* sections 217(a) and 217(b) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)–(b). *See also* 8 CFR part 217.

[1] With respect to all references to ''country'' or ''countries'' in this document, it should be noted that the Taiwan Relations Act of 1979, Public Law 96–8, Section 4(b)(1), provides that ''[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.'' 22 U.S.C. 3303(b)(1). Accordingly, all references to ''country'' or ''countries'' in the Visa Waiver Program authorizing legislation, Section 217 of the Immigration and Nationality Act, 8 U.S.C. 1187, are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

[2] After May 15, 2003, citizens of Belgium must present a machine-readable passport in order to be granted admission under the Visa Waiver Program.

[3] The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries.

[4] For countries designated as VWP countries prior to November 17, 2008, passports issued before October 26, 2006, need not contain the electronic chip that includes the biographic and biometric information of the passport holder provided the passports comply with International Civil Aviation Organization machine readable standards. *See* 8 U.S.C. 1732(c)(2).

B. Designation of Taiwan

The Department of Homeland Security (DHS), in consultation with the Department of State, has evaluated Taiwan for VWP designation to ensure that it meets the requirements set forth in section 217 of the INA, as amended by section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53 (9/11 Act). The Secretary has determined that Taiwan has satisfied the statutory requirements for initial VWP designation; therefore, the Secretary, in consultation with the Secretary of State and with reference to the Taiwan Relations Act of 1979 (Pub. L. 96–8), has designated Taiwan for participation in the VWP.[5]

This final rule adds Taiwan to the list of countries authorized to participate in the VWP. Accordingly, beginning November 1, 2012, eligible travelers possessing Taiwan electronic passports with valid personal identification numbers (household registration numbers) may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements.

II. Statutory and Regulatory Requirements

A. Administrative Procedure Act

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The final rule lists a country that the Secretary of Homeland Security, in consultation with the Secretary of State, has designated as a VWP eligible country in accordance with 8 U.S.C. 1187(c). This amendment is a conforming change to update the list of VWP countries. Notice and comment for this rule is unnecessary and contrary to the public interest, because the rule merely conforms the regulatory text to reflect the Secretary's designation of Taiwan as a VWP participant; it is technical in nature; and it relates only to management, organization, procedure, and practice. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

DHS is of the opinion that this final rule is also excluded from the rulemaking provisions of 5 U.S.C. 553 as a foreign affairs function of the United States, because it advances the President's foreign policy goals and directly involves relationships between the United States and its alien visitors. Accordingly, DHS is not required to provide public notice and an opportunity to comment before implementing the requirements under this final rule.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 603(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions) when the agency is required ''to publish a general notice of proposed rulemaking for any proposed rule.'' Because this rule is being issued as a final rule, on the grounds set forth above, a regulatory flexibility analysis is not required under the RFA.

DHS has considered the impact of this rule on small entities and has determined that this rule will not have a significant economic impact on a substantial number of small entities. The individual aliens to whom this rule applies are not small entities as that term is defined in 5 U.S.C. 601(6). Accordingly, there is no change expected in any process as a result of this rule that would have a direct effect, either positive or negative, on a small entity.

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

D. Executive Order 12866 and 13563

As discussed above, DHS is of the opinion that the subject of this rulemaking constitutes a foreign affairs function of the United States, and thus is exempt from the provisions of Executive Order 12866. The Department has nevertheless reviewed this rulemaking to ensure its consistency with the regulatory philosophy and principles set forth in Executive Orders 12866 and 13563. DHS does not consider this final rule to be a ''significant regulatory action'' under Executive Order 12866, Sec. 3(f), *Regulatory Planning and Review,* and Executive Order 13563.

DHS plans to issue a final rule on the Electronic System for Travel Authorization (ESTA) and that final rule will respond to public comments received on the interim final rules related to ESTA. The final rule's economic analysis will address the costs and benefits associated with the ESTA program, including the addition of Taiwan to the VWP. The VWP offers numerous security and economic benefits to the United States by promoting legitimate travel while enhancing security standards and information sharing with international partners.

E. Executive Order 13132

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

G. Paperwork Reduction Act

The Department of Homeland Security is modifying OMB Control Number 1651–0111, Arrival and Departure Record, to allow eligible Taiwan passport holders to use the Electronic System for Travel Authorization (ESTA) to apply for authorization to travel under the VWP prior to departing for the United States. CBP uses the information to assist in determining if an applicant is eligible for travel under the VWP. The Department is requesting emergency processing of this change to 1651–0111 as the information is essential to the mission of the agency and is needed prior to the expiration of time periods established under the PRA. Because of the designation of Taiwan for participation in the VWP, the Department is requesting OMB approval of this information collection in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

[5] The Secretary of State nominated Taiwan for participation in the VWP on December 22, 2011.

The addition of Taiwan to the Visa Waiver Program will result in an estimated annual increase to information collection 1651–0111 of 240,000 responses and 60,000 burden hours. The total burden hours for ESTA, including Taiwan, is as follows:

Estimated annual reporting burden: 4,785,000 hours.

Estimated number of respondents: 19,140,000 respondents.

Estimated average annual burden per respondent: 15 minutes.

List of Subjects in 8 CFR Part 217

Air carriers, Aliens, Maritime carriers, Passports and visas.

Amendments to the Regulations

For the reasons stated in the preamble, DHS amends part 217 of title 8 of the Code of Federal Regulations (8 CFR part 217), as set forth below.

PART 217—VISA WAIVER PROGRAM

■ 1. The general authority citation for part 217 continues to read as follows:

Authority: 8 U.S.C. 1103, 1187; 8 CFR part 2.

■ 2. In § 217.2 the definition of the term ''Designated country'' in paragraph (a) is revised to read as follows:

§ 217.2 Eligibility.

(a) * * *

Designated country refers to Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries. After May 15, 2003, citizens of Belgium must present a machine-readable passport in order to be granted admission under the Visa Waiver Program. Taiwan (designated consistent with the Taiwan Relations Act of 1979, Pub. L. 96–8 and the United States' one-China policy) refers only to individuals who have unrestricted right of permanent abode on Taiwan and are in possession of an electronic passport bearing a personal identification (household registration) number.

Janet Napolitano,

Secretary.

[FR Doc. 2012–25986 Filed 10–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0932]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the S.R. 74 Bridge across the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, NC. The deviation is necessary to facilitate the structural repair of the bridge. This deviation allows the bridge to be closed to navigation for 12 hours each day beginning in the evening.

DATES: This deviation is effective from 7 p.m. on October 22, 2012, until 7 a.m. on March 15, 2013.

ADDRESSES: Documents mentioned in this preamble as being available in the docket USCG–2012–0932 and are available online by going to *http://www.regulations.gov*, inserting USCG–2012–0932 in the ''Search'' box, and then clicking ''Search''. This material is also available for inspection or copying the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation from regulations, call or email Mr. Bill H. Brazier, Bridge Management Specialist, Fifth Coast Guard District, telephone (757) 398–6422, email *Bill.H.Brazier@uscg.mil.* If you have questions on reviewing the docket, call Renee V. Wright, Program Manager, Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: The North Carolina Department of Transportation, who owns and operates this bascule lift bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.821 (a)(4), to facilitate the structural repair of the bridge.

In the closed position to vessels, the S.R. 74 Bridge, at Atlantic Intracoastal Waterway (AIWW) mile 283.1, at Wrightsville Beach, NC has a vertical clearance of 20 feet, above mean high water.

Under this temporary deviation, from October 22, 2012, through March 15, 2013, the S.R. 74 Bridge will be closed to navigation each day, from 7 p.m. to 7 a.m., except vessel openings will be provided with a 2-hour advance notice to the bridge tender.

Vessel traffic along this part of the AIWW consists of commercial and pleasure craft including sail boats, fishing boats, and tug and barge traffic, that transit mainly during the daylight hours with the occasional tug and barge traffic at night. There are no alternate routes for vessels transiting this section of the AIWW. Vessels that can pass under the bridge without a drawbridge opening may do so at all times and the bridge will be able to open in an emergency.

The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users. The Coast Guard will inform all users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the draw must return to its original operating schedule immediately at the end of the effective period of this deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 10, 2012.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2012–25977 Filed 10–19–12; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2012–0869]

RIN 1625–AA00

Safety Zone; Cooper T. Smith Fireworks Event; Mobile River; Mobile, AL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for a portion of the Mobile River, Mobile, AL in the vicinity of Cooper Riverside Park. This action is necessary for the protection of persons and vessels on navigable waters during the Cooper T. Smith Fireworks Event. Entry into, transiting or anchoring in this zone is 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 9 p.m. to 10 p.m. on October 22, 2012.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2012–0869. 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
COTP Captain of the Port

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because there is insufficient time to publish a NPRM. The Coast Guard received an application for a Marine Event Permit on August 24, 2012 from Pyro Tecnico to conduct a fireworks display on October 22, 2012. Publishing a NPRM is impracticable because it would unnecessarily delay the required safety zone's effective date. The safety zone is needed to protect persons and vessels from safety hazards associated with a fireworks display. Additionally, delaying the safety zone for the NPRM process would unnecessarily interfere with the event and its possible commercial and contractual obligations.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date to provide a full 30 day notice is impracticable because immediate action is needed to protect persons and vessels from safety hazards associated with a fireworks display.

B. Basis and Purpose

Cooper T. Smith Corp. has hired Pyro Tecnico to conduct a fireworks display on the Mobile River, Mobile, AL in the vicinity of Cooper Riverside Park. The fireworks fall out zone for this event is 600 feet and covers the entire width of the Mobile River posing significant safety hazards to both vessels and mariners operating on the Mobile River. The Captain of the Port (COTP) Mobile is establishing a temporary safety zone for a portion of the Mobile River, Mobile, AL, to protect persons and vessels during the fireworks display. 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 authorizes the Coast Guard to propose, establish, and define regulatory safety zones.

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

C. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone for a portion of the Mobile River, to include all waters within a 600 foot radius around position 30°41′21.7″ N, 088°02′04.7″ W. This temporary rule will protect the safety of life and property in this area. Entry into, transiting or anchoring in this zone is 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.

The COTP Mobile or a designated representative will inform the public through broadcast notice to mariners of changes in the effective period for the safety zone. This rule is effective from 9:00 p.m. to 10:00 p.m. on October 22, 2012.

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.

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 that Order.

The safety zone listed in this rule will restrict vessel traffic from entering, transiting or anchoring in a small portion of the Mobile River, Mobile, AL. The effect of this regulation will not be significant for several reasons: (1) This rule will only affect vessel traffic for a short duration; (2) vessels may request permission from the COTP to transit through the safety zone; and (3) the impacts on routine navigation are expected to be minimal. Notifications to the marine community will be made through broadcast notice to mariners. These notifications will allow the public to plan operations around the affected area.

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 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 or anchor in the affected portions of the Mobile River during a fireworks display. This safety zone will

not have a significant economic impact on a substantial number of small entities for the following reasons. The zone is limited in size, is of short duration and vessel traffic may request permission from the COTP Mobile or a designated representative to enter or transit through the zone.

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.

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).

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.

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.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, To Minimize Litigation, Eliminate Ambiguity, and Reduce Burden.

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined 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 safety zone on a waterway during a fireworks display 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 will be made available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 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.T08–0869 to read as follows:

§ 165.T08–0869 Cooper T. Smith Fireworks Event; Mobile River; Mobile, AL.

(a) *Location.* The following area is a safety zone: A portion of the Mobile River, to include all waters within a 600 foot radius around position 30°41′21.7″ N, 088°02′04.7″ W.

(b) *Enforcement date.* This rule will be enforced from 9 p.m. to 10 p.m. on October 22, 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 desiring to enter into or passage through the zone must request permission from the Captain of the Port Mobile or a designated representative. They may be contacted on VHF-FM channels 16 or by telephone at 251–441–5976.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative.

(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: September 21, 2012.

D.J. Rose,

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

[FR Doc. 2012–25981 Filed 10–19–12; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2012–0457, FRL–9742–6]

Approval and Promulgation of Air Quality Implementation Plans; United States Virgin Islands; Regional Haze Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a Federal Implementation Plan (FIP) to address regional haze in the Territory of the United States Virgin Islands. EPA determined that the FIP meets the requirements of the Clean Air Act and EPA's rules concerning reasonable progress towards the national goal of preventing any future and remedying any existing man-made impairment of visibility in mandatory Class I areas (also referred to as the ''regional haze program''). The FIP protects and improves visibility levels in the Virgin Islands Class I area, namely the Virgin Islands National Park on the island of St. John. The FIP for the Virgin Islands addresses reasonable progress toward improving visibility and evaluation of Best Available Retrofit Technology.

DATES: This rule is effective on November 21, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2012–0457. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Robert F. Kelly, Air Planning Section, Air Programs Branch, EPA Region 2, 290 Broadway, New York, New York 10007–1866. The telephone number is 212–637–4249. Mr. Kelly can also be reached via electronic mail at *kelly.bob@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''Agency,'' ''we,'' ''us,'' or ''our'' is used, we mean the EPA. In most cases in this document, where we use the term ''state'' when discussing requirements or recommendations under the Clean Air Act or Agency guidance, this includes the Territory of the Virgin Islands.

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I. What action is EPA taking?
II. What comments did EPA receive on its proposal and what were EPA's responses?
III. What are EPA's conclusions?
VI. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is promulgating a Federal Implementation Plan (FIP) to address regional haze in the U.S. Virgin Islands under the Clean Air Act (CAA or the Act) sections 301(a) and 110(c)(1). The FIP ensures that the Virgin Islands will make reasonable progress toward the national goal of no man-made contribution to visibility impairment. The FIP also includes Best Available Retrofit Technology (BART) determinations for sources in the Virgin Islands that may be subject to BART.

For additional details on EPA's analysis and the basis for the Virgin Islands regional haze FIP, the reader is referred to the June 25, 2012 proposal (77 FR 37842). EPA's regional haze FIP for the Virgin Islands, all accompanying documents, and the full text of the public comments are included in the Docket (EPA–R02–OAR–2012–0457) and available at *www.regulations.gov.*

EPA's Authority To Promulgate a FIP

The Act requires each state to develop plans to meet various air quality requirements, including protection of visibility. (CAA sections 110(a), 169A, and 169B). The plans developed by a state or territory are referred to as State Implementation Plans or SIPs. A state must submit its SIPs and SIP revisions to EPA for approval. Once approved, a SIP is federally enforceable, that is it is enforceable by EPA and citizens under the Act. If a state fails to make a required SIP submittal or if we find that a state's required submittal is incomplete or unapprovable, then EPA must promulgate a FIP to fill this regulatory gap. (CAA section 110(c)(1)).

EPA made a finding of failure to submit on January 15, 2009 (74 FR 2392), determining that the U.S. Virgin Islands failed to submit a SIP that addressed any of the regional haze SIP requirements of 40 CFR 51.308. Under section 110(c) of the Act, whenever EPA finds that a state has failed to make a required submission, the Agency is required to promulgate a FIP. Specifically, section 110(c) provides:

- The Administrator shall promulgate a Federal implementation plan at any time within 2 years after the Administrator—
  - Finds that a state has failed to make a required submission or finds that the plan or plan revision submitted by the state does not satisfy the minimum criteria established under [section 110(k)(1)(A)], or
  - disapproves a state implementation plan submission in whole or in part, unless the state corrects the deficiency, and the Administrator approves the plan or plan revision, before the Administrator promulgates such Federal implementation plan.

Section 302(y) defines the term ''Federal implementation plan'' in pertinent part, as:

> [A] plan (or portion thereof) promulgated by the Administrator to fill all or a portion of a gap or otherwise correct all or a portion of an inadequacy in a State implementation plan, and which includes enforceable emission limitations or other control measures, means or techniques (including economic incentives, such as marketable permits or auctions or emissions allowances) * * *

Thus, because EPA determined that the Virgin Islands failed to submit a regional haze SIP, the Agency is promulgating a regional haze FIP at 40 CFR 52.2781(d). The Virgin Islands Department of Planning and Natural Resources has indicated that the Government of the Virgin Islands agrees

with EPA's moving forward to prepare this FIP.

If the Virgin Islands at any time decide to submit a SIP revision to incorporate provisions that would be approvable as a SIP revision for a regional haze plan, EPA would welcome that submittal. If EPA were to approve such a SIP revision, after public notice and comment, the SIP provisions would replace EPA's FIP.

II. What comments did EPA receive on its proposal and what were EPA's responses?

EPA received comments from the National Park Service (NPS), which serves as the Federal Land Manager (FLM) for the Virgin Islands National Park, and from HOVENSA, L.L.C. (HOVENSA). EPA also received one comment from a private citizen in support of EPA's proposal. A summary of the comments and EPA's responses are provided below.

Comment: A private citizen supported EPA's actions to reduce regional haze in the area, including the restriction of sulfur in ferry and cruise-ship fuel, the federal motor vehicle control program, and emissions reductions from HOVENSA, including the use of Best Available Retrofit Technology (BART).

The NPS also supported EPA's determination that expected emissions reductions from marine vessels under the North American Emissions Control Area and the HOVENSA Consent Decree are appropriate to include in the long term strategy for regional haze.

Response: EPA acknowledges the support and is including these emissions reductions as part of the FIP.

Comment: NPS supported EPA's determination that sources outside the island of St. John are major contributors to visibility impairment at the Virgin Islands National Park.

Response: EPA acknowledges the support for the visibility analysis.

Comment: NPS commented that it expected EPA's proposal to include a more rigorous technical analysis of local anthropogenic contributions to regional haze in the Virgin Islands.

Response: EPA disagrees with the NPS's characterization of the analysis conducted for the FIP. We identified potential contributors to visibility impairment from the IMPROVE monitoring data, as well as other suggestions from the FLM, local citizens, and the Virgin Islands government. In addition to analyzing the IMPROVE data, we investigated possible sources of coarse particles that were hard to identify due to the overwhelming impact of coarse particles from Saharan dust. EPA commissioned a thorough inventory of all source categories on St. John. EPA also used inventories from new source review applications to identify the larger point sources on St. Thomas and St. Croix that may impact the Class I area on St. John. We investigated fuel usage, electric generation and open burning information for potential sources on Tortola, the nearest island of the British Virgin Islands. Finally, we used back trajectory analyses and dispersion modeling to determine whether emissions from a major source in Puerto Rico could have an impact on visibility in St. John.

Comment: NPS commented that coarse mass could be due to transport or local sources, natural and anthropogenic, but EPA made little effort to distinguish source contributions.

Response: EPA disagrees. The FIP includes EPA's numerous efforts to address local anthropogenic sources of coarse mass. Saharan dust is mostly in the coarse mass (2.5 microns to 10 microns) range of particles. Coarse mass particles can also be produced by human sources, such as quarrying operations, wind-blown dirt from unpaved roads, and dirt on paved and unpaved roads re-entrained by vehicles. Ordinarily, coarse particles do not travel the long distances that fine particles travel because of their larger size and larger mass and because they tend to be emitted near the ground. One exception to this rule is the coarse dust from the Sahara Desert, which is lofted thousands of feet into the atmosphere by strong trade winds. This dust is carried by the trade winds for long distances, across the Atlantic Ocean, remaining aloft and mixing down into the surface air over the Caribbean islands. (Prospero, 1999. Proc. Natl. Acad. Sci. USA. 96:3396–3404.)

EPA conducted an effort to find sources of particle emissions on St. John (as well as other pollutants that contribute to reduced visibility), knowing that coarse particle emissions on St. John could be contributing to the obstruction of visibility in the Virgin Islands National Park, and because coarse particles from ground-level sources on other islands are not likely to be transported to St. John. EPA also developed an emission inventory for St. John which identified emissions from construction activities, re-entrained dirt from traffic, and a concrete mixing facility on St. John, all of which were included in the modeling to determine which human sources contribute the most to reducing visibility in the Virgin Islands National Park. EPA discussed the results of the modeling in the June 25, 2012 proposal (77 FR 37842). Air modeling ranks construction and road dust as the two anthropogenic source categories with the highest impact on visibility at the IMPROVE monitor on St. John.

Comment: NPS believes there are episodes of elevated sulfate that could be due to industry or marine traffic or due to atmospheric transport of emissions from other islands or the U.S. mainland. NPS also suggested that episodes of elevated organic carbon are due to vegetative burning.

Response: In the June 25, 2012 proposal, EPA noted that local sulfur dioxide emissions are not the only source of sulfate on St. John. Sulfates likely come from other islands outside the U.S. Virgin Islands, and EPA included sources from the British Virgin Islands and Puerto Rico in the modeling analysis. Modeling predicts that sulfate averages from five to eleven percent of the anthropogenic contribution to visibility obstruction and can be as high as twenty-five percent. However, emissions from sources in the Caribbean upwind of the Virgin Islands cannot be reduced by actions taken by EPA or the U.S. Virgin Islands government.

Based on trajectory analyses, emissions from sources in North America may be transported to the Virgin Islands on rare occasions. However, there are many Class I areas in the United States that are closer to these sources than the Virgin Islands. Mainland sources were not considered in the modeling for the Virgin Islands FIP because state regional haze SIPs (or FIPs) will inevitable mandate stronger controls based on the sources' larger impacts on mainland Class I areas.

As for organic carbon, the IMPROVE data show a few periods of time when carbon is a major component responsible for reducing visibility. Most of these events occur after major windstorms or hurricanes when fallen trees and other vegetation are burned due to the lack of space on the island to landfill the debris.

In summary, EPA did in fact include the various source categories suggested by the NPS comment in our analysis and in the modeling conducted in support of the FIP.

Comment: NPS commented that the back trajectory analysis identified possible source areas for each pollutant species, but EPA's analysis was not comprehensive. NPS believes sources on nearby islands as well as long range transport are potential contributors to haze at St. John.

Response: Back trajectory analysis for the top four days with the largest impact for each of the measured species

provides the best opportunity to find if consistent locations (and the sources located there) are upwind of St. John on the days when each species has the largest impact on visibility. As we expected, most days have trajectories from the east, the predominant direction of the wind in the tropics trade wind regime, as seen in the wind roses in the FIP. Days where a source has high contributions toward reducing visibility should show up as the source region in the trajectory analysis. For example, days when coarse particulates were highest had trajectories that began in or near the Sahara Desert. Days when coarse particulates were lower and another species was large, on the other hand, mostly had trajectories from other locations. Thus, EPA determined that looking at roughly 30 days when different species dominated would reveal the sources of the various species that impact visibility on St. John.

However, there was no consistent source region or regions in the U.S. Virgin Islands for these high impact days for products of combustion, like sulfates and nitrates. While some days' trajectories passed over St. Thomas and St. Croix, showing that sources there can be responsible for emissions that interfere with visibility, most of the trajectories on days with high sulfate and nitrate concentrations did not pass over St. Thomas or St. Croix. Many trajectories passed over other islands where EPA does not have jurisdiction to require emission controls. EPA's modeling showed a similar pattern of combustion sources impacting St. John on a limited (but still significant) number of days. The impacts were frequent enough to warrant EPA to evaluate sources such as HOVENSA and other point sources in St. Thomas and St. Croix to determine if reasonable controls were available to improve visibility.

In response to the concerns of the Virgin Islands Government that sources upwind might affect St. John, EPA considered combustion emissions from Puerto Rico and fuel oil combustion and agricultural burning on Tortola in its modeling.

Also, a few trajectories show that some days with worse visibility may result from sulfates, nitrates, and carbon that originate in North America. It should be noted that significant reductions have occurred in sulfate, nitrate and carbon emissions from sources in the United States due to acid rain control programs, ozone and particulate matter state implementation plans and regional haze plans. Future emission reductions that will result from these programs are likely to further reduce visibility impacts from North America.

Comment: NPS commented that it is unclear why EPA did not include emissions from St. Thomas and St. Croix and recommends EPA develop a complete inventory for the Virgin Islands. NPS commented that EPA's proposal indicated that additional point sources were considered, but the emissions were not presented.

Response: EPA disagrees that emissions from St. Thomas and St. Croix were not included and disagrees that information on other point sources was not presented. This information was only summarized in the June 25, 2012 proposal. Complete information for point sources on St. Thomas, St. Croix, and St. John is in the modeling analysis performed for EPA. A detailed emission inventory for St. John is in the supporting documentation contained in the Docket for the proposal (See: DEVELOPMENT OF 2002 REGIONAL HAZE AREA, POINT, NONROAD MOBILE, AND ONROAD MOBILE SOURCE EMISSION INVENTORIES FOR ST. JOHN, VIRGIN ISLANDS in the Appendices.) The point source inventories were developed in order to determine compliance with EPA's ambient air quality standards for sulfur dioxide, nitrogen dioxide and particulate matter. Emissions of these pollutants are important in assessing human-made obstruction to visibility. The emissions from the significant sources in these inventories are more likely to be transported across the sea to St. John than emissions from other area or mobile emission source categories that are emitted near the ground. EPA also used modeling to evaluate the potential impact of sources in Puerto Rico on St. John. The results showed that a major source on Puerto Rico would not impact visibility on St. John, so emissions from Puerto Rico were not investigated further for inclusion in the FIP.

As stated in the June 25, 2012 proposal, rather than use a full statewide inventory to judge reasonable progress, we focused on the inventory for the island of St. John, where the Class I area is located, and other major point sources located in the Virgin Islands. Our analysis indicates that most emissions outside of St. John, other than major point sources, do not significantly impair visibility at the Virgin Islands National Park due to the prevailing winds. Prevailing winds at St. John are from the east, as shown in the wind roses contained in the FIP. St. Thomas and St. Croix are located west and south, respectively, of St. John. Therefore, these trade winds tend to transport pollution from St. Thomas and St. Croix away from the Class I area. In addition, modeling performed to estimate the visibility impact of currently operating individual sources of pollution indicates that, with the exception of HOVENSA, even very large sources in the Virgin Islands have relatively small visibility impacts on Virgin Islands National Park.

Comment: NPS commented that EPA should add marine traffic between neighboring islands to the inventory.

Response: The impact of marine traffic at St. John was included in the inventory. EPA reasonably chose not to include emissions from marine traffic between other neighboring islands, because modeling did not predict a large impact of the ship emissions on St. John.

Comment: NPS commented that EPA should have used 2009 MM5 meteorological model outputs in its modeling. HOVENSA also commented that the use of a small set of overwater buoy data, combined with upper air sounding data from San Juan, Puerto Rico and the airport station at St. Thomas, was insufficient to satisfy EPA's own recommendations to use available prognostic data in combination with observational data.

Response: EPA chose to use four years of local meteorological data because only a single year of data was available for MM5. While using a gridded, prognostic data model to simulate meteorological conditions is likely to produce a more accurate wind field in most circumstances, this would have been difficult with just a single year of MM5 data. Using four years of data from local weather sites, on the other hand, provided EPA with a robust calculation of impacts from anthropogenic emissions in the Virgin Islands. Moreover, the use of interpolated weather data from a few sites is more likely to be accurate in the Virgin Islands than it would in the continental United States because there is less terrain across the modeling domain to disrupt wind flow and wind direction and speed is more consistent in the tropics.

Comment: NPS commented that EPA should not use the 98th percentile impact averaged over four years as a threshold.

Response: EPA agrees and modified the FIP to highlight the highest of the 98th percentile impacts for each source or source category. As a result of this change, the impact EPA will use for evaluating potential control strategies and for comparing sources' impacts will be higher than when EPA used a four-year average in the proposal.

In our proposal, we evaluated the impacts of the sources based on the average of the 98th percentile visibility impacts. Our guidance recommends using the highest 98th percentile value, not the average of the 98th percentile values. Both of these values are listed in the following table. Nonetheless, using the highest of the 98th percentile impacts did not change any of our analyses for potential controls on these sources or source categories.

TABLE 1—IMPACT OF ANTHROPOGENIC SOURCES THAT CONTRIBUTE TO REGIONAL HAZE IN THE VIRGIN ISLANDS, BASED ON FOUR YEARS OF MODELING FROM 2007 TO 2010

[In deciviews (dv)]

Source or source category	Highest of four years' 98th percentile impact	Average of four years' 98th percentile impact
All Sources (w/o FIP)	10.07 dv*	8.15 dv*.
All Sources after FIP reductions	9.67	7.79
	(0.40 reduction)	(0.36 reduction).
St. John Construction (total of all activities)	5.72 dv	4.36 dv.
HOVENSA—all units operating	3.34	2.49
St. John Road Dust	2.71	2.19
St. Croix Other (w/o WAPA, HOVENSA)	1.13	0.82
St. John Point Sources—generators	1.05	0.60
St. Thomas—all sources (inc. WAPA)	0.62	0.38
St. John Open Burning	0.58	0.42
St. Croix WAPA—all units	0.48	0.35
BVI Oil Combustion	0.46**	**
St. John Non-road Combustion Emissions	0.26	0.22
St. John Marine	0.25	0.12
Estimated BVI Open Burning Source	0.16**	**
St. John On-road Vehicle Tailpipe Emissions	0.12	0.11
St. John Residential Hot Water Heating	0.01	0.01
Sample Puerto Rico Power Plant	0.00**	**
Other Source Categories (These are included in the sources or source categories listed above):		
HOVENSA BART eligible stacks only	2.60 dv	1.91 dv
St. Thomas WAPA—all units	0.21	0.12
St. Thomas WAPA BART eligible stacks only	0.09	0.06
St. Croix WAPA BART eligible stacks only	0.12	0.09
St. John Marine with reductions	0.04	0.02
	(0.21 reduction)	(0.10 reduction).

* Individual impacts from each source will not add up to the total for "All Sources", since the impacts from each source may be on different days and times than the impact for "All Sources" together.
** Modeling from 2009 only.
BVI refers to the island of Tortola in the British Virgin Islands.
WAPA refers to the Virgin Islands Water and Power Authority.

EPA has revised Table 8 of the June 25, 2012 proposal to include the highest of the 98th percentile impacts for EPA's BART analysis:

REVISION TO TABLE 8—INDIVIDUAL BART-ELIGIBLE SOURCE VISIBILITY IMPACTS ON VIRGIN ISLANDS CLASS I AREA

Facility and location	Class I area and locations of modeling receptor	Maximum 4-year 98th percentile visibility impact (deciviews)	Subject to BART?
VI WAPA	St. John	0.09	No.
St. Thomas	Hassel Island, St. Thomas	0.09	
VI WAPA	St. John	0.12	No.
St. Croix	Hassel Island, St. Thomas	0.13	
HOVENSA	St. John	2.60	Yes.
St. Croix	Hassel Island, St. Thomas	3.12	

The changes to the impacts for VI WAPA St. Thomas and VI WAPA St. Croix are not high enough to cause or contribute to a significant impact on visibility in the Virgin Islands National Park. Thus, neither source is eligible for further analysis for BART controls.

Comment: NPS commented that EPA should use the first high results to determine impact of sources and do a comparison to the twenty percent best days.

Response: EPA used four years of modeling data and using the first high over four years' worth of days would be overly conservative. A comparison to the twenty percent best visibility days is often not helpful because many sources did not have any impact on the twenty percent best visibility days. (For more information, see the tables from the modeling report. The number of days when the source had an impact is noted in parentheses.)

Furthermore, EPA's BART Guidelines call for the use of the 98th percentile (essentially the 8th highest day) rather

than the maximum modeled daily impact. The BART Guidelines further state that while ''the use of the 98th percentile of modeled visibility values would appear to exclude roughly 7 days per year from consideration, in our judgment, this approach will effectively capture the sources that contribute to visibility impairment in a Class I area, while minimizing the likelihood that the highest modeled visibility impacts might be caused by unusual meteorology or conservative assumptions in the model.'' See 70 FR 39104, 39121 (July 6, 2005).

Comment: NPS commented that EPA should have used the latest CALPOST processor.

Response: The processor used by EPA is the one in the Federal Land Managers' Air Quality Related Values Work Group (FLAG) guidance that was in effect when EPA began the modeling in 2010.

Comment: The NPS agrees with EPA that as long as HOVENSA retains its air quality permits, the Consent Decree should remain in place. NPS commented that if the refinery is to restart, an emissions control analysis should be conducted prior to restart.

Response: EPA appreciates the FLM's agreement that the HOVENSA Consent Decree should remain in place and that an analysis of reasonable control measures should be conducted when HOVENSA notifies EPA that they will resume refinery operations. In response to comments submitted to EPA by HOVENSA, we are modifying the HOVENSA notification requirement to clarify that upon notification to EPA that HOVENSA will restart refinery operations, HOVENSA will provide emission unit information to EPA in order for EPA to assess whether additional control measures are warranted to meet the regional haze requirements.

Comment: NPS commented that it is difficult to conclude that there will be a 0.16 deciview improvement in visibility due to the expected emissions reductions from marine sources and HOVENSA. EPA should determine the reason for the increasing trends in sulfate's contribution to visibility impairment.

Response: The emission reductions leading to a 0.16 deciview improvement over the worst twenty percent visibility days are based on emission control strategies that have been adopted and will be implemented, so EPA is confident that these emission reductions will lead to improvements in visibility, especially on the days with the largest degradation due to anthropogenic sources. On the 98th percentile days, the improvement is as large as 0.53 deciviews.

EPA disagrees that an analysis of the increasing trends in sulfate's contribution to visibility impairment is required to be part of the FIP. Concentrations vary from year to year and some of the variability may be due to imprecision in the sampling and analysis of the particles that obstruct visibility. EPA will evaluate changes in sulfate, and all other contributing factors to visibility impairment, as part of the five-year review.

Comment: The FLMs want EPA to more substantively involve them in future discussions for regional haze in the Virgin Islands.

Response: EPA understands that it is important to increase FLM involvement in technical issues related to regional haze in the Virgin Islands, especially via informal sharing of new information and improvements in the FIP.

Comment: HOVENSA stated that EPA's regional haze rules indicate that the states should consider whether it is reasonable to aim for attainment of the national goal, and that the 2064 target date and the resulting glidepath are not in any way binding.

Response: EPA acknowledges that the 2064 target date and the glidepath for meeting the goal are not directly enforceable. In our June 25, 2012 proposal, we indicated in Table 6 that while a 1.48 deciview improvement is needed to reach the uniform rate of progress goal for 2018, EPA's proposed FIP is only projecting a 2018 improvement of 0.16 deciviews (the Reasonable Progress Goal).

Comment: HOVENSA commented that EPA has no rational basis for applying the Regional Haze Rule (RHR) to the Virgin Islands because there are no U.S. possessions that can impact visibility in the Virgin Islands. EPA's RHR declares that regional haze is from sources over a wide geographic area.

Response: EPA disagrees. The requirement to submit a regional haze SIP applies to all 50 states, the District of Columbia and the Virgin Islands. The RHR (64 FR 35714, July 1, 1999) specifically states that ''Hawaii, Alaska, and the Virgin Islands would be subject to the regional haze provisions because of the potential for emissions from sources within their borders to contribute to regional haze impairment in Class I areas also located within their own jurisdiction'' (64 FR 35720).

Therefore, sources in the Virgin Islands that impact the Virgin Islands National Park are not exempted from the Clean Air Act's regional haze requirements to protect visibility in Class I areas.

Comment: HOVENSA objected to EPA's proposal for the facility to provide a reasonable control measures study, consistent with the RHR, should HOVENSA resume operation of the refinery process units. HOVENSA asked EPA to remove this requirement from the final FIP.

Response: EPA proposed the requirement for HOVENSA to submit an analysis of reasonable control measures in the event that HOVENSA resumes operation of any refinery process units as an alternative to requiring such an analysis at this time. While refinery operations are currently idled, HOVENSA has retained its air permits and has not surrendered them to EPA. Therefore, EPA cannot rely on the idling of HOVENSA's refinery operations as an enforceable emission reduction for meeting the regional haze requirements. As we stated in our June 25, 2012 proposal (77 FR 37856), while there is uncertainty at this time regarding future operations at HOVENSA, the Consent Decree, which is enforceable by EPA, contains emission reductions and emission limitation requirements. These Consent Decree requirements allow us to project that, should HOVENSA resume operating as a refinery, its permitted emissions of sulfur dioxide will be lower than they were prior to entry of the Consent Decree.

Because the facility is in an idled state and HOVENSA has not provided any possible future refinery operating scenarios, EPA determined that it was not practical to require HOVENSA to perform an analysis of reasonable control measures at this time. In addition, EPA believed that should refinery operation resume, HOVENSA may decide to operate certain emission units and pollution control equipment but not others, compared to emission units that operated before the refinery operations were idled. Nevertheless, in response to HOVENSA's comments, EPA agrees that resuming operations at HOVENSA does not need to wait for HOVENSA to first provide an analysis of reasonable control measures. So, we are modifying the notification requirement to clarify that upon notification to EPA that HOVENSA will restart refinery operations, HOVENSA will provide emission unit information to EPA in order for EPA to assess if additional control measures are warranted to meet the regional haze requirements.

Comment: HOVENSA stated that EPA's FIP should reflect the determination that HOVENSA's compliance with the terms of the Consent Decree satisfies its regional haze obligations during the first

planning period of the program and that any changes to the refinery's compliance obligations would be evaluated as part of the five year review.

Response: HOVENSA's comment specifically says that HOVENSA's compliance with the terms of the Consent Decree satisfies its regional haze obligations. In fact, the HOVENSA Consent Decree is not an analysis of reasonable control measures as required for regional haze. The Consent Decree was developed for entirely different reasons. A consent decree is a negotiated agreement, and was not evaluated for meeting the requirements for a reasonable control measure analysis required for regional haze. EPA decided it was not practical for HOVENSA to perform an analysis of reasonable control measures while its refining process is idled. EPA believes the information necessary to complete such an analysis will be more complete when HOVENSA's future operational plans are known. The Consent Decree is a starting point for an analysis of reasonable control measures until more information is available.

As for evaluating any changes to the refinery's compliance obligations during the five year review, EPA believes that determining what controls are reasonable when those controls would be needed, that is, when emission units are operating, would better serve the purpose of meeting the regional haze plan for the Virgin Islands.

Comment: HOVENSA states that it would be unreasonable to impose the costs of controls on its facility when there will be little or no improvement in visibility on St. John.

Response: Modeling the controls required under the Consent Decree shows an improvement of 0.13 deciviews, compared to HOVENSA's total impact of 1.60 deciviews in visibility on St. John for the twenty percent worst visibility days. If the refining process restarts, reasonable controls may add to this improvement because HOVENSA has a total impact of 3.34 deciviews on the highest 98th percentile day.

Comment: HOVENSA stated that EPA's requirement for HOVENSA to perform an analysis of reasonable controls on its emissions before restarting its refining facility would cause uncertainty and delays in any restart process because EPA is requiring installation of controls no later than five years after the effective date of the revised FIP.

Response: As stated earlier, in response to HOVENSA's comments, we are modifying the HOVENSA notification requirement to clarify that upon notification to EPA that HOVENSA will restart refinery operations, HOVENSA will provide emission unit information to EPA in order for EPA to determine if additional control measures are warranted. However, HOVENSA's comments do not accurately reflect the timing for installation of controls as a result of the notification requirement. If and when HOVENSA notifies EPA that it plans to resume operation of the refinery process units, EPA will assess whether additional control measures are warranted to meet the regional haze requirements. Should EPA determine that additional emissions controls are necessary, HOVENSA will have considerable time to prepare for their installation while EPA undertakes notice-and-comment rulemaking to revise the FIP. Once the rulemaking is complete, HOVENSA will then have up to five years from the effective date of the revised FIP, if there is one, to install controls. In other words, EPA's requirement to install controls as expeditiously as practicable but no later than five years after the effective date of the revised FIP is referring to this ''second,'' or revised FIP, not the FIP being promulgated in this action. While EPA agrees that the rulemaking process presents uncertainty as to what controls will ultimately be determined to be reasonable, it is likely that some of these controls may already be installed upon startup of HOVENSA's refinery operations due to other Clean Air Act requirements. If not, HOVENSA will have up to five years from the effective date of the revised FIP to install them. EPA notes that HOVENSA's comment that EPA's proposed reasonable measures analysis requirement will present uncertainty and delay to any reactivation process contradicts HOVENSA's other comment, requesting EPA to rely on the five-year review process for determining whether to change HOVENSA's compliance obligations. Relying on the five-year review would present its own uncertainties and possible delays.

Comment: HOVENSA commented that by using potential emissions, rather than actual emissions, for the modeling and BART analysis, EPA has greatly overstated HOVENSA's impacts on the Class I area in St. John.

Response: HOVENSA cites EPA guidance as recommending using the highest typical emissions from a BART-eligible source for BART modeling. EPA chose to use potential to emit rather than historical emissions, resulting in a more conservative approach than using HOVENSA's historical emissions. HOVENSA has been operating at low capacity in recent years [Letter from HOVENSA to Mr. Steve Riva, EPA Region 2, April 21, 2011], so historical emissions are not representative of the impact that HOVENSA would have on visibility at the Class I area when operating near or at full capacity. Thus, EPA is using the emissions that the facility is allowed to emit in its evaluation of impacts on visibility obscuration in the Class I area.

Comment: HOVENSA commented that EPA's back trajectory modeling for the worst days of visibility impairment on St. John shows that sources on St. Croix did not contribute to any of the worst days of visibility impairment.

Response: EPA does not agree with HOVENSA's interpretation of the trajectory analysis. One of the four days when sulfates have their highest contributions to visibility impairment on St. John, trajectories passed very near St. Croix, where the HOVENSA refinery is located. In addition, modeling predicts that HOVENSA has a significant impact on visibility in the Virgin Islands National Park on St. John, so if reasonable controls on emissions are available from HOVENSA, they will reduce this significant impact on the view in the Park.

Comment: HOVENSA commented that EPA's assertion that HOVENSA's emissions affect visibility on St. John stands in sharp contrast to EPA's own conclusion that coarse particles are the primary source of visibility impairment on St. John and that most of the coarse particles come from wind-blown sea salt and Saharan dust.

Response: Even though coarse particles from Saharan dust may be the largest contributor to visibility impairment on St. John, that does not mean that HOVENSA, or other human sources of emissions do not affect visibility on St. John as well. In the trajectory analysis, one of the four highest days of sulfate impairment does occur when the trajectory passes near St. Croix. Also, the modeling analysis shows that HOVENSA is likely to have an impact on visibility on St. John. Because winds that bring Saharan dust come from the east and winds that bring emissions from St. Croix are from the south, it is likely that these two visibility-impairing sources impact St. John at different times. Thus, emissions from HOVENSA may be noticeable on St. John as sulfate haze.

Comment: HOVENSA commented that because natural background visibility values do not include important natural sources, the natural background visibility is biased low and the relative CALPUFF modeled source impacts are thereby overestimated.

Response: EPA disagrees that not including natural sources, like Saharan dust, in the natural background values means that CALPUFF's impacts are overestimated. CALPUFF's impacts are independent of, and not affected by, the estimates of natural background. When we compare the modeled sulfates and nitrates with the observed sulfates and nitrates from the IMPROVE site data, the modeled sulfates and nitrates are less than the observed. The comparison indicated that if CALPUFF is not estimating the impacts of anthropogenic sources correctly, it is likely to be underestimating the anthropogenic source impact. Thus, HOVENSA's impact may be higher than modeled by CALPUFF.

Comment: HOVENSA commented that emission reductions from its facility are not going to have a discernible effect on visibility on St. John because EPA's proposal indicated that the effect of sulfate controls on industrial sources is overwhelmed by the impact of natural sulfate and Saharan dust.

Response: While the effect of natural emissions is very large in the Virgin Islands, the Clean Air Act requires EPA to reduce the effect of anthropogenic sources using measures that EPA determines are reasonable. Thus, even though human-caused emissions may be low compared to the impact of Saharan dust, they are still significant (up to 7.38 deciviews on the twenty percent worst days, with as much as 1.60 deciviews from HOVENSA's impact). Reducing anthropogenic emissions will still improve visibility in the Virgin Islands National Park, as sulfates and nitrates, which are mostly from combustion sources, cause significant reductions in visibility according to the IMPROVE data.

Comment: HOVENSA notes that EPA's guidance emphasizes using a blended prognostic meteorological model, like MM5, instead of observational data using CALMET. EPA should not base its recommended controls on such a simplistic meteorological data set.

Response: See EPA's response to the NPS's comment on this issue above. In addition, if using MM5 to drive the meteorology in the CALPUFF model gave better performance, remodeling would be more likely to increase impacts from anthropogenic sources, like HOVENSA.

III. What are EPA's conclusions?

EPA is promulgating a Federal Implementation Plan for Regional Haze for the Territory of the United States Virgin Islands. This FIP addresses progress toward reducing regional haze for the first implementation period ending in 2018. The FIP includes emission reductions to begin the reasonable progress needed to achieve the overall objective of no man-made interference with visibility by 2064. The FIP relies on emission reductions from existing emissions controls and programs currently in effect and requires HOVENSA to notify EPA in the event it resumes operation of the refinery process units and to provide emission unit information to EPA. EPA is taking this action pursuant to CAA sections 110(c)(1), 301(a), 169A and 169B. EPA solicited public comments on the issues discussed in this document and considered these comments before taking final action. EPA is promulgating 40 CFR 52.2781(d) ''Regional Haze Plan for the Virgin Islands National Park.''

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action will promulgate requirements for one facility and is therefore not a rule of general applicability. This type of action is exempt from review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). Because this FIP only applies to one facility, the Paperwork Reduction Act does not apply.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA's) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this action on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The net result of this FIP action is that EPA is promulgating emission controls on selected units at only one facility. The facility in question is a large petroleum refinery that is not owned by a small entity, and therefore is not a small entity.

D. Unfunded Mandates Reform Act (UMRA)

This rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. It is a rule of particular applicability that affects only one facility in the United States Virgin Islands. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This rule only applies to one facility in the United States Virgin Islands.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action addresses the United States Virgin Islands not meeting its obligation to adopt a SIP that meets the regional haze requirements under the CAA. Thus, Executive Order 13132 does not apply to this action. Although section 6 of Executive Order 13132 does not apply to this action, EPA did consult with the Virgin Islands government in developing this action.

F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because the action EPA is taking neither imposes substantial direct compliance costs on tribal governments,

nor preempts tribal law. It will not have substantial direct effects on tribal government. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it implements specific standards established by Congress in statutes. However, to the extent this rule will limit emissions, the rule will have a beneficial effect on children's health by reducing air pollution.

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

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

I. National Technology Transfer and Advancement Act

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

This action does not involve technical standards. Today's action does not require the public to perform activities conducive to the use of voluntary consensus standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

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

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

We have determined that this rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This rule has the potential to limit emissions of NO_X, SO_2 and $PM_{2.5}$ from one facility should that facility resume operations.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability.

L. Judicial Review

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 December 21, 2012. Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d) as it promulgates a FIP under CAA section 110(c). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 15, 2012.

Lisa P. Jackson,

Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CCC—Virgin Islands

■ 2. Section 52.2781 is amended by adding paragraph (d) to read as follows:

§ 52.2781 Visibility protection.

* * * * *

(d) Regional Haze Plan for Virgin Islands National Park. The regional haze plan for the Virgin Islands consists of a Federal Implementation Plan entitled: ''FEDERAL IMPLEMENTATION PLAN FOR REGIONAL HAZE FOR THE UNITED STATES VIRGIN ISLANDS.'' The applicable requirements consist of:

(1) *Applicability.* This section addresses Clean Air Act requirements and EPA's rules to prevent and remedy future and existing man-made impairment of visibility in the mandatory Class I area of the Virgin Islands National Park through a Regional Haze Program. This section applies to the owner and operator of HOVENSA L.L.C. (HOVENSA), a petroleum refinery located on St. Croix, U.S. Virgin Islands.

(2) *Definitions.* Terms not defined below shall have the meaning given them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this section: NO_X means nitrogen oxides.

Owner/operator means any person who owns, leases, operates, controls, or supervises a facility or source identified in paragraph (d)(1) of this section.

PM means particulate matter.

Process unit means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or a

completed product. A single stationary source may contain more than one process unit, and a process unit may contain more than one emissions unit. For a petroleum refinery, there are several categories of process units that could include: Those that separate and/or distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as steam generators and hydrogen production units; and those that load, unload, blend or store intermediate or completed products.

SO_2 means sulfur dioxide.

Startup means the setting in operation of an affected facility for any purpose.

(3) *Reasonable Progress Measures.* On June 7, 2011, EPA and HOVENSA entered into a Consent Decree (CD) in the U.S. District Court for the Virgin Islands to resolve alleged Clean Air Act violations at its St. Croix, Virgin Islands facility. The CD requires HOVENSA, among other things, to achieve emission limits and install new pollution controls pursuant to a schedule for compliance. The measures required by the CD reduce emissions of NO_X by 5,031 tons per year (tpy) and SO_2 by 3,460 tpy. The emission limitations, pollution controls, schedules for compliance, reporting, and recordkeeping provisions of the HOVENSA CD constitute an element of the long term strategy and address the reasonable progress provisions of 40 CFR 51.308(d)(1). Should the existing federally enforceable HOVENSA CD be revised, EPA will reevaluate, and if necessary, revise the FIP after public notice and comment.

(4) *HOVENSA requirement for notification.* HOVENSA must notify EPA 60 days in advance of startup and resumption of operation of refinery process units at the HOVENSA, St. Croix, Virgin Islands facility. HOVENSA shall submit such notice to the Director of the Clean Air and Sustainability Division, U.S. Environmental Protection Agency Region 2, 290 Broadway, 25th Floor, New York, New York, 10007–1866. HOVENSA's notification to EPA that it intends to startup refinery process units must include information regarding those emission units that will be operating, including unit design parameters such as heat input and hourly emissions, information on potential to emit limitations, pollution controls and control efficiencies, and schedules for compliance. EPA will revise the FIP as necessary, after public notice and comment, in accordance with regional haze requirements including the ''reasonable progress'' provisions in 40 CFR 51.308(d)(1). HOVENSA will be required to install any controls that are required by the revised FIP as expeditiously as practicable, but no later than 5 years after the effective date of the revised FIP.

[FR Doc. 2012–25806 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0541; FRL–9733–6]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Greif Packaging, LLC Adjusted Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving into the Illinois State Implementation Plan (SIP) an adjusted standard for the Greif Packaging, LLC facility located at 5 S 220 Frontenac Road in Naperville, Illinois (Greif). On June 20, 2012, the Illinois Environmental Protection Agency (IEPA) submitted to EPA for approval an adjustment to the general rule, Organic Material Emission Standards and Limitations for the Chicago Area; Subpart TT: Other Emission Units, as it applies to emissions of volatile organic matter (VOM) from Greif's fiber drum container manufacturing facility. VOM, as defined by the State of Illinois, is identical to volatile organic compound (VOC), as defined by EPA. The adjusted standard replaces portions of the general rule for VOM emissions with site-specific Reasonably Available Control Technology (RACT) requirements for the Greif facility.

DATES: This direct final rule will be effective December 21, 2012, unless EPA receives adverse comments by November 21, 2012. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register**informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0541, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov.*
3. *Fax:* (312) 408–2279.
4. *Mail:* Doug Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Doug Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0541. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at

the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this action?
II. What is EPA's analysis of Greif's adjusted standard?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background for this action?

Greif operates a fiber drum container manufacturing facility. In general, fiber drums are produced by cutting fiber material to the appropriate length, forming the material into a cylinder, and attaching a top and bottom to the cylinder. Some of the fiber drums require the addition of a polyethylene drum liner to meet customer specifications, particularly for storage and transport of food-grade products. Greif conducts quality control (QC) testing of these liners by spraying a test fluid into the interior of the drums. The test fluid is a denatured alcohol product, which is a VOC.

EPA requires that existing VOC sources in certain ozone nonattainment areas meet a level of control referred to as RACT. See 42 U.S.C. 7511a(b)(2). EPA defines RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' See 44 FR 53762 (September 17, 1979). For many source categories, EPA has established guidance documents, referred to as Control Technique Guideline (CTG) documents, which fairly explicitly establish the level of control that represents RACT for a specific source category. The implementation of RACT is also required at major stationary sources for which EPA has not issued CTGs. Illinois has adopted a general rule applicable to these major sources at title 35 of the Illinois Administrative Code (Ill. Adm. Code), part 218, subpart TT. Because neither a CTG document nor explicit guidance has been established for fiber drum container manufacturing facilities, the general rule at 35 Ill. Adm. Code subpart TT applies to the Greif facility. A source is subject to this rule if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year (35 Ill. Adm. Code 218.980(b)).

Greif is subject to a Federally Enforceable State Operating Permit (FESOP) which limits VOM emissions from the QC test process to 22.8 tons per year (tpy) and VOM emissions from the remainder of the plant to 1.4 tpy. This limits facility VOM emissions to an aggregate of 24.2 tpy, below the 25 tpy threshold. However, Greif reported QC test process emissions of 35.2, 46.7, 19.1, 7.7, and 8.5 tpy for 2006, 2007, 2008, 2009, and 2010, respectively. The high emissions in 2006 and 2007 put the source over the 25 tpy threshold, triggering the applicability of subpart TT. See 35 Ill. Adm. Code 218.980(b)(1).

Under 35 Ill. Adm. Code 218.980(d), subpart TT limits do not apply to emission units with emissions of VOC less than or equal to 2.5 tpy, providing that the total emissions from such emission units does not exceed 5.0 tpy. Therefore, the only emission unit at the Greif facility subject to limits under subpart TT is the QC test process. This process became subject to the requirement to reduce uncontrolled emissions by 81 percent. (35 Ill. Adm. Code 218.986(a))

Greif filed a petition for an adjusted standard from 35 Ill. Adm. Code 218.986(a) on January 24, 2011, in accordance with section 28.1 of the Illinois Environmental Protection Act. A final Opinion and Order of the Illinois Pollution Control Board granted Greif an adjusted standard on April 5, 2012.

II. What is EPA's analysis of Greif's adjusted standard?

Greif evaluated emission control options for the QC test process to satisfy RACT control requirements in 35 Ill. Adm. Code 218.986(a). Greif considered capture plus recuperative thermal oxidizers, capture plus carbon adsorbers, and capture plus biofilters and material substitution. Each of these control options could achieve compliance with the 81 percent reduction requirement, but were estimated to cost from $11,667–$17,672 per ton of VOM controlled.

Given the high cost of add on controls, Greif looked at two options for reducing VOC emissions through material substitution, mixing the QC test fluid with acetone and mixing the QC test fluid with water. Mixing the QC test fluid with acetone was found to be technically infeasible because acetone would dissolve the gasket material that seals the bottom of the drum to the side walls. Greif found that the QC test fluid could be diluted with water to reduce VOC emissions, while continuing to satisfy product quality standards. Greif determined that a dilution of 45 percent denatured alcohol and 55 percent water was the highest dilution percentage that would allow the facility to meet customer quality assurance requirements. Using this dilution would result in a 55 percent reduction in VOM emissions. In addition, Greif determined that it could reduce the amount of test fluid sprayed on each drum to an amount not to exceed 48 grams. These modifications would reduce VOC emissions from Greif's QC test process by 70 percent on a unit basis and result in annual emissions below the 22.8 tpy limit in the FESOP.

Greif concluded that achieving a capture and control rate of at least 81 percent from its QC test process was not economically reasonable, and that the water-diluted QC test process was the only technically feasible and economically reasonable alternative.

The Illinois Pollution Control Board adopted a final Opinion and Order on April 5, 2012. In summary, the order required the following:

(1) An automated, mechanical wand that is calibrated so that each spray releases approximately the same amount of QC test fluid;

(2) Test fluid composed of no more that 45 percent denatured alcohol by weight and no less than 55 percent water by weight;

(3) Calibration of the automated QC test process equipment to spray an average of no more than 48 grams of QC test fluid per drum, with compliance to be measured as least once per calendar quarter;

(4) Limits on VOM usage from the QC test process of 2.3 tons per month and 22.8 tpy; and,

(5) Limits on VOM emissions from the QC test process of 2.3 tons per month and 22.8 tpy.

In addition the order contains detailed recordkeeping requirements and compliance determination procedures. EPA finds the requirements in the Illinois Pollution Control Board's Opinion and Order dated April 5, 2012 to represent RACT for the QC test process at Greif.

In addition, EPA's approval is based on consideration of whether the

adjusted standard meets the requirements of section 110(l) of the Clean Air Act (CAA), 42 U.S.C. 7410(l). To be approved, a SIP revision must not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA. The adjusted standard will not result in any increase in VOC emissions from the QC test process, therefore the adjusted standard will not interfere with attainment or any other applicable requirement of the CAA.

III. What action is EPA taking?

EPA is approving into the Illinois SIP an adjusted standard for the Greif facility located at 5 S 220 Frontenac Road in Naperville. This Adjusted Standard from 35 Ill. Adm. Code 218.986(a) replaces the capture and control requirements in 35 Ill. Adm. Code 218.986(a) for VOM emissions from Greif's fiber drum container manufacturing facility with the control requirements in the Illinois Pollution Control Board's April 5, 2012 Order.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective December 21, 2012 without further notice unless we receive relevant adverse written comments by November 21, 2012. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective December 21, 2012.

IV. Statutory and Executive Order Reviews

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

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

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

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 December 21, 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: September 13, 2012.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 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 O—Illinois

■ 2. Section 52.720 is amended by adding paragraph (c)(193) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(193) On June 20, 2012, Illinois submitted an Adjusted Standard for the Greif Packaging, LLC facility located at 5 S 220 Frontenac Road in Naperville, DuPage County. This adjustment to the Standard at 35 Ill. Adm. Code 218.986(a) for Greif's fiber drum manufacturing facility replaces the VOM capture and control requirements in 35 Ill. Adm. Code 218.986(a) with the control requirements in the Illinois Pollution Control Board's April 5, 2012 Order.

(i) Incorporation by reference.

(A) April 5, 2012 Opinion and Order of the Illinois Pollution Control Board (AS 2011–01), effective April 5, 2012.

[FR Doc. 2012–25819 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2011–0883; FRL–9701–5]

Approval and Promulgation of Implementation Plans; Alaska: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan (SIP) submittals from the State of Alaska to demonstrate that the SIP meets the requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for ozone on July 18, 1997. EPA finds that the Alaska SIP meets the following 110(a)(2) infrastructure elements for the 1997 8-hour ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA is concurrently approving a number of revisions to the Alaska SIP as a necessary condition to approving the 110(a)(2) infrastructure elements for ozone. Specifically, EPA is approving revisions submitted by Alaska to update the SIP to include the ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, a general definition of ozone, federal Prevention of Significant Deterioration (PSD) program changes to regulate NOx as a precursor to ozone, and provisions to satisfy CAA section 128 conflict of interest disclosure requirements.

DATES: This action is effective on November 21, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2011–0883. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste and Toxics (AWT–107), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at telephone number: (206) 553–6357, email address: *hall.kristin@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' is used, we mean EPA. Information is organized as follows:

Table of Contents

I. Background
II. Scope of Action
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background

On July 18, 1997, EPA promulgated a new NAAQS for ozone. EPA revised the ozone NAAQS to provide an 8-hour averaging period which replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm (62 FR 38856). The CAA requires SIPs meeting the requirements of sections 110(a)(1) and (2) be submitted by states within 3 years after promulgation of a new or revised standard. Sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards, so-called ''infrastructure'' requirements. To help states meet this statutory requirement for the 1997 8-hour ozone NAAQS, EPA issued guidance to address infrastructure SIP elements under section 110(a)(1) and (2).[1] In the case of the 1997 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous ozone standards. The State of Alaska submitted a SIP to EPA on March 2, 2012, which, among other things, certified that Alaska's SIP meets the infrastructure obligations for the 1997 8-hour ozone NAAQS. The certification included an analysis of Alaska's SIP as it relates to each section of the infrastructure requirements with regard to the 1997 8-hour ozone NAAQS. The State also submitted as part of the March 2, 2012, SIP submittal, existing state regulatory provisions to be approved into the Alaska SIP for purposes of meeting CAA section 128 conflict of interest disclosure requirements. The state requested parallel processing of the March 2, 2012, submittal. Under this procedure, the state submits the SIP revision to EPA before final adoption by the state. EPA reviews this proposed state action and prepares a notice of proposed rulemaking. EPA publishes its notice of proposed rulemaking in the **Federal Register** and solicits public comment in approximately the same time frame during which the state is completing its rulemaking action.

On March 22, 2012, EPA published a notice of proposed rulemaking (NPR) for the State of Alaska to act on the State's infrastructure SIP for the 1997 8-hour ozone NAAQS (77 FR 16785). Specifically in the NPR, EPA proposed to approve Alaska's SIP as meeting the requirements for the following 110(a)(2) infrastructure elements for the 1997 8-hour ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA also proposed to concurrently approve a number of revisions to the Alaska SIP as a necessary condition to approving the 110(a)(2) infrastructure elements for ozone. Specifically, EPA proposed to approve revisions submitted by Alaska on April 9, 2010, and November 19, 2010, to update the SIP to include the ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, a general definition of ozone, and federal Prevention of Significant Deterioration (PSD) program changes to regulate NO_X as a precursor to ozone. EPA also proposed to concurrently approve the

[1] William T. Harnett, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards. ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards.'' Memorandum to EPA Air Division Directors, Regions I–X, October 2, 2007.

state regulatory provisions submitted by Alaska as part of the March 2, 2012, SIP submittal to satisfy CAA section 128 conflict of interest disclosure requirements.

EPA provided a 30-day review and comment period on the NPR published March 22, 2012 (77 FR 16785). The public comment period for EPA's NPR closed on April 23, 2012. EPA received no comments on the proposed action. While EPA was conducting its public notice and comment process, Alaska completed public review of the March 2, 2012, SIP submittal at the state level, as provided for through the parallel processing procedures described above. Alaska subsequently completed its state adoption process and submitted a final SIP package to EPA on July 9, 2012. EPA has reviewed the July 9, 2012, final SIP submittal and we have concluded that the content of the final submittal is substantively identical to the provisions that were anticipated in EPA's NPR published on March 22, 2012 (77 FR 16785). Therefore, we are taking final action on our NPR.

II. Scope of Action

The SIP approval does not extend to sources or activities located in Indian Country, as defined in 18 U.S.C. 1151. EPA will continue to implement the CAA in Indian Country in Alaska because ADEC has not adequately demonstrated authority over sources and activities located within the exterior boundaries of the Annette Island Reserve and other areas of Indian Country in Alaska.

III. Final Action

EPA is taking final action to approve the July 9, 2012, SIP provisions identified in our March 22, 2012, proposal as adequate to demonstrate that the SIP meets the requirements of section 110(a)(1) and (2) of the CAA for the NAAQS promulgated for ozone on July 18, 1997. EPA is approving the following section 110(a)(2) infrastructure elements for Alaska for the 1997 ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), (M). EPA is concurrently approving a number of revisions to the Alaska SIP as a necessary condition to approving the 110(a)(2) infrastructure elements for ozone. Specifically, EPA is approving revisions submitted by Alaska on April 9, 2010, and November 19, 2010, to update the Alaska SIP to include the ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, a general definition of ozone, and federal PSD program changes to regulate NO_X as a precursor to ozone. EPA is also approving the Alaska state regulatory provisions submitted as part of the July 9, 2012, SIP submittal to satisfy CAA section 128 conflict of interest disclosure requirements.

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 21, 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. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, and Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 23, 2012.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 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 C—Alaska

■ 2. Section 52.70 is amended by adding paragraphs (c)(39) and (c)(40) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(39) On April 9, 2010, the Alaska Department of Environmental Conservation (ADEC) submitted a revision to the Alaska State Implementation Plan (SIP) to update the SIP to include the 2008 ozone standard at an 8-hour averaging period, the associated federal method for measuring and monitoring ozone in ambient air, and a general definition of ozone.

(i) *Incorporation by reference.* (A) The following revised sections of Alaska Administrative Code Title 18: Chapter 50, effective April 1, 2010:

(*1*) Article 1, Ambient Air Quality Management: Rule 010 Ambient Air Quality Standards, the undesignated introductory text, and (4); Rule 035 Documents, procedures, and methods adopted by reference, (b) the undesignated introductory text, and (b)(1), but only with respect to the incorporation by reference of 40 CFR part 50, Appendix P;

(*2*) Article 2, Program Administration: Rule 215 Ambient Air Quality Analysis Methods, (a) introductory text, and (a)(2);

(*3*) Article 9, General Provisions, Rule 990 Definitions, (129).

(40) On November 19, 2010, and July 9, 2012, the Alaska Department of Environmental Conservation (ADEC) submitted revisions to the Alaska State Implementation Plan (SIP) to update the SIP to include federal Prevention of Significant Deterioration (PSD) program changes to regulate NO_X as a precursor to ozone, and provisions to satisfy CAA section 128 conflict of interest disclosure requirements.

(i) *Incorporation by reference.* (A) The following revised sections of Alaska Administrative Code Title 18, Chapter 50, effective December 9, 2010:

(*1*) Article 1, Ambient Air Quality Management: Rule 040 Federal standards adopted by reference, (h) the undesignated introductory text, only with respect to 40 CFR Part 52 and (h)(4), only with respect to the incorporation by reference date for ''significant'' at 40 CFR 52.21(b)(23)(i);

(*2*) Article 9, General Provisions, Rule 990 Definitions, (52)(A), ''major stationary source,'' (53)(A), ''major modification,'' and (92), ''regulated NSR pollutant.''

(ii) *Additional material.* (A) The following sections of Alaska Administrative Code Title 2 and Title 9, effective February 20, 2005:

(*1*) Title 2, Administration: Chapter 50, Alaska Public Offices Commission: Conflict of Interest, Campaign Disclosure, Legislative Financial Disclosure, and Regulations of Lobbying; Article 1, Public Official Financial Disclosure (2 AAC 50.010–2 AAC 50.200);

(*2*) Title 9, Law: Chapter 52, Executive Branch Code of Ethics (9 AAC 52.010–9 AAC 52.990).

■ 3. Section 52.96 is amended by revising paragraph (a) to read as follows:

§ 52.96 Significant deterioration of air quality.

(a) The State of Alaska Department of Environmental Conservation Air Quality Control Regulations as in effect on December 3, 2005 (specifically 18 AAC 50.010 except (7) and (8); 50.015; 50.020; 50.030(6) and (7); 50.035(a)(4) and (5); 50.040(h) except (17), (18), and (19); 50.215 except (a)(3); 50.250; 50.306 except (b)(2) and (b)(3); 50.345 except (b), (c)(3) and (l); and 50.990 except (21) and (77)) are approved as meeting the requirements of part C for preventing significant deterioration of air quality. The following regulations as in effect on April 1, 2010, are also approved as meeting the requirements of part C for preventing significant deterioration of air quality: 18 AAC 50.010 (introductory paragraph); 18 AAC 50.010(4); 18 AAC 50.035(b) (introductory paragraph); 18 AAC 50.035(b)(1), only with respect to the incorporation by reference of 40 CFR part 50, Appendix P; 18 AAC 50.215(a) (introductory paragraph and (a)(2); and 18 AAC 50.990(129). The following regulations as in effect on December 9, 2010, are also approved as meeting the requirements of part C for preventing significant deterioration of air quality: 18 AAC 50.040(h) (introductory paragraph) with respect to 40 CFR 52.21, and (h)(4), only with respect to the incorporation by reference date for ''significant'' at 40 CFR 52.21(b)(23)(i) and ''subject to regulation'' at 52.21(b)(49) for the purpose of greenhouse gases only; and 18 AAC 50.990 (52)(A), (53)(A), and (92).

* * * * *

■ 4. Section 52.98 is added to read as follows:

§ 52.98 Section 110(a)(2) infrastructure requirements.

On July 9, 2012, the Alaska Department of Environmental Quality submitted a certification to address the requirements of CAA Section 110(a)(1) and (2) for the 1997 8-hour ozone NAAQS. EPA approves the submittal as meeting the following 110(a)(2) infrastructure elements for the 1997 8-hour ozone NAAQS: (A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2012–25808 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2012–0359; FRL–9732–5]

Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on June 13, 2012 and concerns volatile organic compound (VOC) emissions from crude oil production sumps and refinery wastewater separators. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules will be effective on November 21, 2012.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2012–0359 for this action. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (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: Nicole Law, EPA Region IX, (415) 947–4126, *law.nicole@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. Proposed Action

II. Public Comments and EPA Responses
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I. Proposed Action

On June 13, 2012 (77 FR 35329), EPA proposed to approve the following rules into the California SIP.

Local agency	Rule #	Rule title	Amended	Submitted
SJVUAPCD	4402	Crude Oil Production Sumps	12/15/11	02/23/12
SJUVAPCD	4625	Wastewater Separators	12/15/11	02/23/12

We proposed to approve these rules because we determined that they comply with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received comments from the following party.

1. Adenike Adeyeye, Earthjustice; letter dated July 13, 2012 and received July 13, 2012.

The comments and our responses are summarized below.

Comment #1: Earthjustice stated that Rule 4402 continues to include limits that are less stringent than those in other California districts. Specifically, the SJVUAPCD defines clean produced water as water with a VOC concentration of 35 mg/L or less while other California districts such as South Coast Air Quality Management District (SCAQMD) limit the VOC concentration in wastewater to 5 mg/L. Earthjustice provided more detailed arguments supporting a 5 mg/L limit in Rule 4402 in comments 2–4 below.

Response #1: As explained in our technical support document (TSD) accompanying the proposed action, sources in the SCAQMD have greater options for disposal of the produced water than sources in the SJVUAPCD. Specifically, produced water in the SCAQMD can be disposed of into the sanitary sewer or reinjected into the ground without processing to meet a 5 mg/L VOC limit. Discussions with the California Department of Oil, Gas, and Geothermal Resources confirmed that in the Ventura County Air Pollution Control District (VCAPCD) there is no VOC concentration limit for reinjection [1] and the Los Angeles County Sanitation District confirmed the VOC concentration limits for wastewater discharged into a municipal sewage system are above SJVUAPCD's 35 mg/L limit.[2] See also response to comments 2–4 below.

Comment #2: Earthjustice stated that SJVUAPCD's assertion that wastewater is not treated in SCAQMD is false and that EPA did not confirm SJVUAPCD's claim. EPA's TSD states that oil production facilities in SCAQMD can dispose of their wastewater in sanitary sewage systems or existing injection wells, but did not confirm that operators use non-treatment disposal options. Earthjustice has confirmed with SCAQMD staff that operators can and do comply with the 5 mg/L limit through wastewater treatment, in addition to wastewater disposal via injection wells and municipal sewer systems.

Response #2: Most SCAQMD operators treat their wastewater to meet standards of the sanitation district or standards for reinjection, which are less stringent than the 5 mg/L VOC limit. [3] [4] For example, the Los Angeles County Sanitation District allows wastewater with 60–75 mg/L of non-polar oil and grease to be discharged into the sewer system from oil field producers.[5] Staff at Ventura County APCD similarly explained that 90–95% of the oil production facilities in VCAPCD do not treat the wastewater but instead transfer it to wastewater treatment facilities or reinject the wastewater into the ground.[6] For reinjection, the fluid deposited back into the ground does not need to meet any VOC concentration limits.[7] EPA's discussion with SCAQMD staff confirmed that a few operators in SCAQMD are able to meet the 5 mg/L VOC limit in the wastewater without any treatment other than gravity separation. However, SCAQMD staff also noted that properties of wastewater (including VOC content) vary widely with the geological properties of the oil wells and the fact that a few SCAQMD operators can meet 5 mg/L with only gravity separation does not mean that all wells subject to SCAQMD Rule 1176, much less all wells subject to SJVUAPCD Rule 4402, can do the same.[8] Thus, we have no evidence that oil producers in Los Angeles routinely treat their wastewater to 5 mg/L.

Comment #3: Earthjustice stated that EPA did not confirm that wastewater treatment technologies are too expensive to be used to comply with the 5 mg/L limit. Earthjustice confirmed with SCAQMD staff that wastewater treatment can be a more cost effective option. Operators in SCAQMD use Wemco® units as well as filters and other technologies to treat wastewater. The treatment methods have been found to be cost-effective in 1989. An analysis that explains why SJVUAPCD operators cannot adopt similar treatment is absent from EPA's TSD and SJVUAPCD's staff report.

Response #3: EPA reviewed materials related to the adoption of SCAQMD Rule 1176 in 1989 and found that in fact the cost effectiveness of treating produced water to a 5 mg/L VOC limit was not analyzed. Rather, the costs evaluated in the 1989 SCAQMD staff report related to the installation of covers on secondary and tertiary sumps and ranged from an average of $8,000 to $18,900 per ton of VOC reduced respectively.[9] Since secondary and tertiary sumps generally contain liquid with much higher VOC content than a clean produced water pond, installing a cover on a clean produced water pond would have much higher cost per ton of VOC reduced. Additionally, as mentioned in our response to comment 2 above, SCAQMD staff have confirmed to EPA that many operators in SCAQMD do not treat their wastewater to the 5 mg/L limit; rather these operators typically dispose of wastewater in the sanitary sewage system and are required to meet a 60 mg/L oil and grease limit

[1] Phone conversation with Steve Fields (California Department of Oil, Gas, and Geothermal Resources), August 1, 2012.

[2] Phone conversation with Kai Kuo (Los Angeles County Sanitation District), August 3, 2012.

[3] Phone conversation with Victor Juan (SCAQMD), July 31, 2012 and April 26, 2012.

[4] Phone conversation with Eugen Teszler (SCAQMD), August 2, 2012.

[5] Phone conversation with Kai Kuo (Los Angeles County Sanitation District), August 3, 2012.

[6] Phone conversation with Eric Wetherbee (VCAPCD), July 31, 2012.

[7] Phone conversation with Steve Fields (California Department of Oil, Gas and Geothermal Resources), August 1, 2012.

[8] Phone conversation with Victor Juan (SCAQMD), July 31, 2012.

[9] SCAQMD Staff Report Proposed Rule 1176 Sumps and Wastewater Separators September 20, 1989.

for the Los Angeles County Sanitation District or dispose of wastewater through reinjection and are not required to meet any VOC concentration limits.[10] [11]

In addition, we note that SJVUAPCD's staff report, which was prepared as part of the District's adoption of Rule 4402, includes a cost effectiveness analysis at Appendix B, Section II, Analysis of Clean Produced Water Compliance Options. The District's analysis describes the types of control technology needed to treat wastewater from a 35 mg/L VOC concentration down to a 5 mg/L concentration. According to the District's analysis, ''a Wemco® will generally only get the VOC content down to about 20 mg/L;'' therefore, additional water polishing equipment such as nut shell filters would be necessary to further reduce VOC levels down to 5 mg/L. This additional processing step adds to the overall capital and operational costs to further polish the clean produced water.[12] EPA contacted SCAQMD staff regarding this point. SCAQMD staff have indicated that Wemcos® and other treatment equipment alone are generally not able to treat the wastewater down to a 5 mg/L VOC concentration.[13] SJVUAPCD determined that the cost associated with installing the above equipment with the additional filters was approximately $54M/ton VOC reduced. This unusually high cost effectiveness value is heavily influenced by the low estimated emissions from clean produced water, 0.12 tons/year. Another more conservative cost analysis done by the District assumes an annualized cost of $4M/year and a higher tonnage of VOC reduced per pond. The resulting cost effectiveness would be about $70,000/ton VOC reduced, which exceeds reasonable costs under RACT.[14] Based on our review of the District's analysis and our discussions with SCAQMD, we found no basis to conclude that 5 mg/L is RACT. Moreover, we note that the commenter did not provide information sufficient to support such a conclusion.

Comment #4: Earthjustice states that EPA requires SJVUAPCD to compare its rules not only to federal guidance, but also to current rules in other California air districts including SCAQMD, Bay Area AQMD, Sacramento Metropolitan AQMD, and Ventura County APCD. Earthjustice stated that it is not reasonable to claim that a technology which was deemed cost-effective in 1989 to comply with a 5mg/L VOC limit is not cost-effective today. The SJVUAPCD must explain why the technologies are now prohibitively expensive.

Response #4: As discussed above, compliance with a 5 mg/L VOC limit was not shown to be cost-effective in 1989 and has been shown to exceed RACT in SJVUAPCD today. Most operators in South Coast AQMD and Ventura County APCD do not treat their wastewater to meet 5 mg/L, but instead dispose of the water through the sanitary sewer system or by reinjection. These options are not generally available in San Joaquin due to the remote locations of its oil production wells in relation to a municipal sewer system and the unavailability of reinjection wells.[15]

III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the California SIP.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 21, 2012. Filing a petition for reconsideration by the Administrator of

[10] Phone conversation with Kai Kuo (Los Angeles County Sanitation District), August 3, 2012.

[11] Phone conversation with Steve Fields (California Department of Oil, Gas and Geothermal Resources), August 1, 2012.

[12] SJVUAPCD Final Staff Report Revised Proposed Amendments to Rule 4402 December 15, 2011.

[13] Email correspondence with Victor Juan (SCAQMD), August 28, 2012.

[14] SCAQMD Staff Report Proposed Rule 1176 Sumps and Wastewater Separators September 20, 1989.

[15] Technical Support Document for EPA's Proposed Notice on Rule 4402, Crude Oil Production Sumps, EPA Region IX, May 2012.

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

List of Subjects in 40 CFR Part 52

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

Dated: September 7, 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 52.220 is amended by adding paragraphs (c)(411)(i)(B)(*2*) and (*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(411) * * *

(i) * * *

(B) * * *

(*2*) Rule 4402, ''Crude Oil Production Sumps,'' amended on December 15, 2011.

(*3*) Rule 4625, ''Wastewater Separators,'' amended on December 15, 2011.

* * * * *

[FR Doc. 2012–25810 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 300–3, 301–2, 301–10, 301–11, 301–52, 301–70 and 301–71

[FTR Amendment 2012–01; FTR Case 2011–301; Docket 2011–0018, Sequence 1]

RIN 3090–AJ11

Federal Travel Regulation; Per Diem, Miscellaneous Amendments

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA has adopted as final, an interim rule amending the Federal Travel Regulation (FTR) by changing, updating, and clarifying various provisions regarding temporary duty (TDY) travel. These changes include adjusting the definition of incidental expenses; clarifying necessary deduction amounts from the meals and incidental expense (M&IE) reimbursement on travel days; extending agencies the authority to issue blanket actual expense approval for TDY travel during Presidentially-Declared Disasters; and updating other miscellaneous provisions.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Mr. Cy Greenidge, Program Analyst, Office of Government-wide Policy, at (202) 219–2349. Please cite FTR Amendment 2011–03; FTR Case 2011–301.

SUPPLEMENTARY INFORMATION:

A. Background

GSA reviewed the FTR for accuracy and currency and is consequently publishing this amendment to update certain sections in Chapters 300 and 301 that pertain to definitions, web addresses, meal deductions, miscellaneous expenses, and other travel-related clarifications and updates. This amendment also adds a section that permits agencies to issue blanket actual expense authorizations for any employee who performs TDY travel in an area subject to a Presidentially-Declared Disaster.

Accordingly, this final rule amends the FTR by:

1. *Section 300–3.1*—Revising the term ''Incidental expenses'' under the definition for ''Per diem allowance.'' These changes permit reimbursement of fees and tips, exclude mailing costs associated with filing travel vouchers and charge card bill payments, and remove the current transportation reimbursement as this expense is reimbursable via separate provisions in FTR part 301–10.

2. *Section 301–2.5*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

3. *Section 301–10.421*—Updating the heading to include valet parking attendants.

4. *Section 301–11.6*—Updating regulatory references and web address information in the table pertaining to maximum per diem rates and actual expense rates.

5. *Section 301–11.7*—Changing the term ''lodging location'' to ''lodging facility'' in determining maximum per diem reimbursement rates.

6. *Section 301–11.18*—Indicating that for Government-provided meals on travel days, the entire allocated meal amount must be deducted from the decreased 75 percent rate.

7. *Section 301–11.26*—Revising to focus on how to request a review of a location's per diem rate.

8. *Section 301–11.29*—Updating the web address for state tax exemption information.

9. *Section 301–11.30*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

10. *Section 301–11.300*—Revising ''natural disasters'' to read ''natural or manmade disasters'' and adding Presidentially-Declared Disasters to the list of special events warranting actual expense reimbursement.

11. *Section 301–11.301*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

12. *Section 301–11.302*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

13. *Section 301–52.4*—Removing the reference to a ''fixed reduced per diem allowance.''

14. *Section 301–70.200*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

15. *Section 301–70.201*—Adding a new section which gives agencies the authority to issue a blanket authorization for actual expense reimbursement in the event of a Presidentially-Declared Disaster.

16. *Section 301–71.105*—Referencing the new blanket actual expense authorization pursuant to 301–70.201.

B. Summary of Comments Received

GSA received no comments on the interim rule published in the **Federal Register** on September 7, 2011 (76 FR 55273).

C. Executive Order 12866 and Executive Order 13563

Executive Orders (E.O.s) 12866 and 13563 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of

harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

D. Regulatory Flexibility Act

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

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FTR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

F. Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 41 CFR Parts 300–3, 301–2, 301–10, 301–11, 301–52, 301–70 and 301–71

Government employees, Travel and per diem expenses, Administrative practices and procedures.

Dated: July 5, 2012.

Dan Tangherlini,

Acting Administrator of General Services.

Interim Rule Adopted as Final Without Changes

Accordingly, the interim rule amending 41 CFR Parts 300–3, 301–2, 301–10, 301–11, 301–52, 301–70, and 301–71, which was published in the **Federal Register** at 76 FR 55273 on September 7, 2011, is adopted as a final rule with no changes.

[FR Doc. 2012–25945 Filed 10–19–12; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1022

[Docket No. EP 716]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is issuing a final rule to adjust the Board's civil monetary penalties for inflation on a periodic basis pursuant to the Federal Civil Penalties Inflation Act of 1990, as amended by the Debt Collection Improvement Act of 1996. Prior to the issuance of this rule, the Board's penalties have not been adjusted for inflation since they were prescribed in the Interstate Commerce Commission Termination Act of 1995 (ICCTA). As mandated by the Debt Collection Improvement Act, the Board's initial increase of its penalties cannot exceed 10%. The Board is required to review its penalties again at least once every four years thereafter and adjust them as necessary for inflation according to a specified formula.

DATES: This rule is effective on October 22, 2012.

ADDRESSES: Information or questions regarding this final rule should reference Docket No. EP 716 and be in writing addressed to: Office of Proceedings, Surface Transportation Board, 395 E. Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Marc Lerner, (202) 245–0390. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background. The Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, 110 Stat. 1321, amended the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note), to require each federal agency to adopt regulations at least once every four years that adjust for inflation the maximum amount of civil monetary penalties under the statutes administered by the agency.[1] As defined, a civil monetary penalty is a statutorily prescribed specific amount, or maximum amount, provided by federal law that can be assessed by a federal agency and that can be enforced by the agency pursuant to an administrative proceeding or a civil action in a federal court. Congress passed this legislation on the basis of its findings that: (1) The power to impose civil monetary penalties is important to deterring violations of federal law and furthering the policy goals of federal laws and regulations; and (2) inflation has diminished the impact of these penalties.

Under the DCIA, the inflation adjustment is calculated by increasing the maximum civil monetary penalty amount per violation by the Cost-of-Living Adjustment, which is the percentage (if any) by which the Consumer Price Index for June of the year preceding the adjustment exceeds the Consumer Price Index for June of the year the civil monetary penalty amount was last set or adjusted, multiplied by the statutory maximum amount, rounded to the nearest specified amount using the formula contained in the statute. The DCIA requires agencies to round off the increase of each civil monetary penalty depending on its dollar amount: if the penalty is greater than $0 and less than or equal to $100, the increase is to be rounded to the nearest $10; if the penalty is greater than $100, but less than or equal to $1,000, the increase is rounded to the nearest $100; if the penalty is greater than $1,000 but less than or equal to $10,000, the increase is to be rounded to the nearest multiple of $1,000; if the penalty is greater than $10,000 but less than or equal to $100,000, the increase is to be rounded to the nearest multiple of $5,000; if the penalty is greater than $100,000 but less than or equal to $200,000, the increase is to be rounded to the nearest multiple of $10,000; and lastly, if the penalty is greater than $200,000, the increase is to be rounded to the nearest $25,000.

Discussion. The statutory definition of civil monetary penalty covers the civil penalty provisions under the Rail Carrier (Part A), Motor and Water Carriers (Part B), and Pipeline Carrier (Part C) provisions of the Interstate Commerce Act (ICA), as amended by ICCTA. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14915. The Board's penalty authority related to

[1] Agency means an Executive agency as defined under 5 U.S.C. 105. ''Executive agency'' includes an ''independent establishment,'' which is defined at 5 U.S.C. 104 in relevant part as ''an establishment in the executive branch'' that is not an ''Executive department.'' For purposes of the requirements of the DCIA, we determine that the Board is a covered agency.

pipeline carriers appears at 49 U.S.C. 16101–16106.[2]

Because the Board was created in 1996, the year 2000 would have been the first time that the Board should have amended its regulations to adjust its civil monetary penalties for inflation.[3] Subsequent amendments should have been effected in 2004, 2008, and in 2012. The Board's initial adjustment, however, cannot exceed 10% of each penalty, regardless of the rate of inflation. As set forth in the rule, the Board is adding 49 CFR 1022 to adjust the penalty for each violation for which a statutory minimum or maximum amount is specified under the ICA as amended by ICCTA. These adjusted penalties will apply only to violations which occur after the effective date of this regulation.

Immediate Final Rule. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, since the amount of the inflation adjustment must be calculated in accordance with the statutory formula. Accordingly, the Board is issuing this regulation as a final rule, without opportunity for public notice and comment. The Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), does not require that process ''when the agency for good cause finds'' that public notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' The Board finds that solicitation of public comments in this rulemaking is unnecessary and impracticable because Congress has prescribed that agencies adjust the civil monetary penalties under their jurisdiction and has provided no discretion to the agencies regarding the substance of the adjustments. The Board is only required to determine the amount of inflation adjustments by performing technical, ministerial computations. Thus, there is no need for affected parties to have 30 days' notice or opportunity to comment prior to the effectiveness of this regulation to adjust their conduct because the regulation concerns penalties for conduct that is already illegal under existing law. Accordingly, the Board has determined that there is good cause to make this regulation effective immediately upon publication.

Regulatory Flexibility Statement. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

Paperwork Reduction Act. This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

Effective Date. For the same reasons the Board has determined that public notice and comment is unnecessary and impracticable, the Board finds that it has good cause to make this regulation effective upon publication.

List of Subjects in 49 CFR Part 1022

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

Decided: October 12, 2012.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Begeman.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board amends title 49, chapter X, of the Code of Federal Regulations by adding part 1022 to read as follows:

PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

Sec.
1022.1 Scope and purpose.
1022.2 Definitions.
1022.3 Civil monetary penalty inflation adjustment.
1022.4 Cost-of-living adjustments of civil monetary penalties.

Authority: 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 16101, 16103.

§ 1022.1 Scope and purpose.

The purpose of this part is to establish a method to adjust for inflation the civil monetary penalties provided by law within the jurisdiction of the Board. These penalties shall be subject to review and adjustment at least once every four years using the method specified in the Debt Collection Improvement Act of 1996, Public Law 104–134, 110 Stat. 1321, as it amends the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note). The inflation adjustment is calculated by increasing the maximum civil monetary penalty amount per violation by the Cost-of-Living Adjustment, which is the percentage (if any) by which the Consumer Price Index for June of the year preceding the adjustment exceeds the Consumer Price Index for June of the year the civil monetary penalty amount was last set or adjusted, multiplied by the statutory maximum amount, rounded to the nearest specified amount using the formula contained in the statute. The initial adjustment, however, is capped at 10% of the penalty, regardless of the applicable rate of inflation.

§ 1022.2 Definitions.

As used in this part:

(a) *Board* means the Surface Transportation Board.

(b) *Civil monetary penalty* means any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by federal law; or

(ii) Has a maximum amount provided by federal law;

(2) Is assessed or enforced by the Board pursuant to federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.

(c) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

(d) *Cost-of-Living Adjustment* means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.

§ 1022.3 Civil monetary penalty inflation adjustment.

The Board shall, immediately, and at least once every four years thereafter—

(a) By regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Board by the inflation adjustment described in § 1022.4; and

(b) Publish each such adjustment in the **Federal Register**.

[2] The Board also has criminal penalty authority, enforceable in a federal criminal court. Congress has not, however, authorized federal agencies to adjust statutorily-prescribed criminal penalty provisions for inflation, and this rule does not address those provisions.

[3] *See GAO Report, GAO–03–409, Civil Penalties: Agencies Unable to Fully Adjust Penalties for Inflation Under Current Law* (March 2003), at 46 (STB not required to make initial adjustments until Jan. 1, 2000; as of Jun. 30, 2002, STB had not made the adjustments).

§ 1022.4 Cost-of-living adjustments of civil monetary penalties.

(a) Pursuant to the Debt Collection Improvement Act of 1996, as it amends the Federal Civil Penalties Inflation Adjustment Act of 1990, the increase of a civil monetary penalty assessed under this section shall be determined by multiplying the Cost-of-Living Adjustment by the existing maximum civil monetary penalty, rounded to the nearest specified amount using the guidelines set forth in paragraph (b) of this section.

(b) Any increase determined under paragraph (a) of this section shall be rounded to the nearest:

(1) Multiple of $10 in the case of penalties less than or equal to $100;

(2) Multiple of $100 in the case of penalties greater than $100 but less than or equal to $1,000;

(3) Multiple of $1,000 in the case of penalties greater than $1,000 but less than or equal to $10,000;

(4) Multiple of $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000;

(5) Multiple of $10,000 in the case of penalties greater than $100,000 but less than or equal to $200,000; or

(6) Multiple of $25,000 in the case of penalties greater than $200,000.

(c) The first adjustment of any civil monetary penalty required by § 1022.3 may not exceed 10% of such penalty.

(d) The first application of the inflation adjustment method required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

U.S. Code citation	Civil monetary penalty description	Maximum penalty amount year 1996	Adjusted maximum penalty amount year 2012
	Rail Carrier Civil Penalties		
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	$5,000	$5,500
49 U.S.C. 11901(b)	For each violation under sections 11124(a)(2) or (b)	500	550
49 U.S.C. 11901(b)	For each day violation continues	25	27.50
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under sections 10901–10906.	5,000	5,500
49 U.S.C. 11901(d)	For each violation under sections 11123 or 11124(a)(1)	100–500	110–550
49 U.S.C. 11901(d)	For each day violation continues	50	55
49 U.S.C. 11901(e)(1)	For each violation under sections 11141–11145	500	550
49 U.S.C. 11901(e)(2)	For each violation under section 11144(b)(1)	100	110
49 U.S.C. 11901(e)(3)–(4)	For each violation of reporting requirements, for each day	100	110
	Motor and Water Carrier Civil Penalties		
49 U.S.C. 14901(a)	Minimum penalty for each violation under sections 13501–13508, 13531, 13901, 13902(c), and for each day.	500	550
49 U.S.C. 14901(a)	Minimum penalty if not registered to provide passenger transportation, for each violation under section 13901, and for each day.	2,000	2,200
49 U.S.C. 14901(b)	Maximum penalty for each violation of the hazardous waste rules under section 3001 of the Solid Waste Disposal Act.	20,000	22,000
49 U.S.C. 14901(d)(1)	Minimum penalty for each violation of household good regulations, and for each day.	1,000	1,100
49 U.S.C. 14901(d)(2)	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	10,000	11,000
49 U.S.C. 14901(d)(3)	Minimum penalty for each instance of transportation of household goods without being registered.	25,000	27,500
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	2,000	2,200
49 U.S.C. 14901(e)(2)	Minimum penalty for each additional violation	5,000	5,500
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	100,000	110,000
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	200	220
49 U.S.C. 14904(a)	For all subsequent violations	250	275
49 U.S.C. 14904(b)(1)	Maximum penalty for first violation for undercharges by freight forwarders.	500	550
49 U.S.C. 14904(b)(1)	Maximum penalty for subsequent violations	2,000	2,200
49 U.S.C. 14904(b)(2)	Maximum penalty for other first violations under section 13702	500	550
49 U.S.C. 14904(b)(2)	Maximum penalty for subsequent violations	2,000	2,200
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of section 14103(a), and any violation of section 14103(b).	10,000	11,000
49 U.S.C. 14906	For first attempt to evade regulation	200	220
49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation	250	275
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	5,000	5,500
49 U.S.C. 14908(a)(2)	Maximum penalty for violation of section 14908(a)(1)	2,000	2,200
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each day	500	550
49 U.S.C. 14915(a)	Minimum penalty for holding a household goods shipment hostage, for each day.	10,000	11,000
	Pipeline Carrier Civil Penalties		
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	5,000	5,500
49 U.S.C. 16101(b)(1)	For each recordkeeping violation under section 15722, each day	500	550
49 U.S.C. 16101(b)(2)	For each inspection violation liable under section 15722, each day	100	110

U.S. Code citation	Civil monetary penalty description	Maximum penalty amount year 1996	Adjusted maximum penalty amount year 2012
49 U.S.C. 16101(b)(3)	For each reporting violation under section 15723, each day	100	110
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	1,000	1,100

[FR Doc. 2012–25773 Filed 10–19–12; 8:45 am]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 77, No. 204
Monday, October 22, 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 110

[NRC–2012–0008]

Branch Technical Position on the Import of Non-U.S. Origin Radioactive Sources

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: In 2010, the NRC published a final rule amending its regulations concerning export and import of nuclear equipment and material. Among other things, it added the phrase ''Of U.S. origin'' to the first exclusion to the definition of ''radioactive waste''. The phrase was added to the final rule in response to a public comment on the proposed rule to clarify the exclusion. Since publication of the final rule, NRC staff has been engaged with industry in response to concerns raised regarding established industry practices and the need for guidance on implementation of the ''U.S.-origin'' exclusion.

DATES: Members of the public may submit written comments on the issues discussed in this notice. Comments on the issues presented in this notice should be postmarked no later than December 21, 2012. Comments received after this date will be considered if it is practical to do so. NRC plans to consider these stakeholder views in the development of a final Branch Technical Position (BTP).

The proposed BTP is included in the **SUPPLEMENTARY INFORMATION** section of this document and is also available in NRC's Agencywide Documents Access and Management System (ADAMS) under ML12278A170.

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–2012–0008. You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0008. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemaking and Adjudications Staff.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive a reply email confirming that we have received your comments, contact us directly at 301–415–1677.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Tobin Wollenweber, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2328; email: *Jennifer.Tobin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0008 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 are publicly available, by any of the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0008.
- *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 document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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–2012–0008 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 that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely 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 that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

As a result of the **Federal Register** Notice (77 FR 2924) ''Notice of Public Meeting and Request for Comment on the Branch Technical Position on the Import of Non-U.S. Origin Radioactive Sources,'' published January 20, 2012, five comment letters were received for consideration by the NRC. At that time, the BTP was a working draft document with the intent of using feedback to enhance the document for publication of the revised proposed BTP for formal public comment. Of the comments made on the original draft BTP, most were

comments on the existing rule rather than in the guidance that the BTP provides. The NRC response to these informal comments can be found at ML1255A106. Most of the comments did not oppose the underlying policy rationale and justification for the BTP's proposal to construe ''non-U.S. origin'' disused sources as ''U.S. origin'' for the purpose of the first exclusion to the definition of ''radioactive waste'' under certain circumstances; instead, the comments appear to request NRC to revise or clarify the existing exclusions. Therefore, NRC did not consider these comments to be within the scope of the BTP. As a result of these comments, there are no substantive changes to the draft BTP. However, minor editorial changes were made to the draft BTP to provide greater clarity. This proposed BTP does not change the regulations in 10 CFR part 110; it clarifies what is meant by ''U.S. origin'' and details how the NRC interprets this exclusion to the definition of ''radioactive waste.''

III Branch Technical Position

A. Introduction

The NRC's regulations in 10 CFR part 110 (Part 110), ''Export and Import of Nuclear Equipment and Material,'' establishes the general and specific export and import licensing requirements for special nuclear, source, and byproduct material including radioactive waste. ''Radioactive waste'' is defined in 10 CFR 110.2 as ''[a]ny material that contains or is contaminated with source, byproduct or special nuclear material that by its possession would require a specific radioactive material license in accordance with this Chapter [10 CFR Chapter I] and is imported or exported for the purposes of disposal in a land disposal facility as defined in 10 CFR Part 61, a disposal area as defined in Appendix A of 10 CFR Part 40, or an equivalent facility.''

There are six exclusions in 10 CFR 110.2 to the definition of ''radioactive waste.'' The sealed source exclusion (exclusion one) is defined as radioactive material that is ''[o]f U.S. origin and contained in a sealed source, or device containing a sealed source, that is being returned to a manufacturer, distributor or other entity which is authorized to receive and possess the sealed source or the device containing a sealed source.'' [1] Disused sources that satisfy an exclusion to the definition of ''radioactive waste'' may be imported under the general license in 10 CFR 110.27, which requires that the U.S. consignee be authorized to receive and possess the material under the relevant NRC or Agreement State regulations and that the importer satisfy the terms for the general license set forth in 10 CFR 110.50.

The NRC has developed this technical position to provide guidance to source manufacturers, distributors, or other entity on the NRC's application of the sealed source exclusion to imports into the U.S. of non-U.S. origin disused sources.[2]

B. Background

On July 28, 2010, the NRC published a final rule in the **Federal Register** (75 FR 44072) that amended several provisions in 10 CFR part 110 to improve NRC's regulatory framework for the export and import of nuclear equipment, material, and radioactive waste. The sealed source exclusion to the definition of ''radioactive waste'' was revised, in response to a comment, to confirm that the exclusion only applies to sources of ''U.S. origin'' being returned to an authorized domestic licensee. The addition of the term ''U.S. origin'' to the sealed source exclusion was consistent with the original intent of the exclusion, initially adopted in a 1995 rule.[3] In accordance with International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources and the IAEA supplemental Guidance on the Import and Export of Radioactive Sources, the NRC believed that encouraging return of disused sources to the country of origin would help prevent sources from becoming ''orphaned'' by facilitating responsible handling of sources at the end of their life cycle. See *Import and Export of Radioactive Waste,* 57 FR 17859, 17861 (July 21, 1992) (proposed rule) (''the return of used or depleted sealed sources, gauges, and similar items to the U.S. or to another original exporting country for reconditioning, recycling or disposal may * * * help ensure that such materials are handled responsibly and not left in dispersed and perhaps unregulated locations around the world''). The NRC's willingness to embrace this policy was in large part informed by U.S. industry comments that there is a ''widely accepted practice, usually rooted in a sales or leasing contract or other agreement, of returning depleted sealed radioactive sources, used gauges, and other instruments containing radioactive materials * * * to the original supplier-manufacturer for recycle or disposal.'' 57 FR 17864. *See also,* e.g., id. at 17861 (''the sale of a source is often conditioned on later return of the source for disposal''). Accordingly, central to the sealed source exclusion was the NRC's understanding, based on U.S. industry representations, that new and disused sources are routinely exchanged on a ''one-for-one'' basis—*i.e.,* a new source is exchanged for a disused source [4]—with the result that the number of disused sources imported is not greater than the number of new sources exported.

After the addition of ''U.S. origin'' to the sealed source exclusion in the 2010 rule, it came to the staff's attention that, while it remains a widespread industry practice to exchange new and disused sources on a ''one-for-one'' basis, in light of the current global supply market it is not always possible for a supplier to definitively ascertain the origin of a particular disused source that is exchanged for a new one before import and receipt of the disused source. With established customers, the disused sources will generally be of U.S. origin; however, for new customers, some of the sources initially being returned may not be of U.S. origin.

Once a source is imported and received, the manufacturer, distributor, or other entity technically has the ability to determine the source's origin. However, the only way for the supplier to accomplish this is by exposing its personnel to additional radiation doses. Specifically, the supplier must use a glove-box to take the source out of its casing to read the serial numbers and

[1] The NRC provided the following guidance on the scope of ''U.S. origin'' on NRC's Export and Import Web page at (*http://www.nrc.gov/about-nrc/ip/export-import.html*):

''U.S. origin was added in the first exclusion to the definition of radioactive waste to clarify that the exclusion only applies to sources of U.S. origin. U.S. origin sources may include sources with U.S. origin material and sources or devices manufactured, assembled or distributed by a U.S. company from a licensed domestic facility. Disused sources that originated in a country other than the United States would require a specific license if being exported or imported for disposal.''

[2] The terms ''supplier'' and ''importer'' are used interchangeably in this document with ''manufacturers, distributors, or other entity.''

[3] Import and Export of Radioactive Waste, 60 FR 37556 (July 21, 1995).

[4] The sealed sources are changed out when the decay of the source limits the usefulness of the material. At this point, a supplier typically will send a new source and the user will return the used source in the same shielded container. This practice is typically formalized in the contract between the user and the supplier. Sometimes the sources are still useful and can be recycled for re-use in a different application. In that case, the sixth exclusion to the definition of ''radioactive waste'' applies and the source can be imported under a general license even if it is non-U.S. origin. Guidance on this exclusion can be found on NRC's Export and Import Web page at *http://www.nrc.gov/about-nrc/ip/export-import.html* and is in harmony with this position paper.

correlate those numbers to different manufacturer's coding patterns.

C. Regulatory Position

The NRC has construed the ''U.S. origin'' provision in the context of the industry's recent clarification of international source exchange practices. The NRC recognizes that in some circumstances it may not be feasible for the importer to determine the country of origin for disused sources it seeks to exchange prior to import. If, after a good faith effort, the U.S. manufacturer, distributor, or other entity cannot determine whether an imported disused source that has been exchanged for a new source is of U.S. origin without exposing personnel to additional doses, the source in question shall be deemed to be of U.S. origin for the purposes of the sealed source exclusion to the definition of ''radioactive waste'' in 10 CFR 110.2.[5] This application of the sealed source exclusion is limited to disused sources imported into the United States that have been exchanged for a new source in a foreign country on a ''one-for-one'' basis. Accordingly, it is the NRC's expectation that the number of disused sources imported by the manufacturer or distributor into the United States must not be greater than the number of new or refurbished sources exported by that manufacturer or distributor.

The NRC believes that this application of the sealed source exclusion reasonably balances the interests of public health and safety and international policy interests in responsible handling of sources at the end of their useful life. The approach preserves the fundamental policy rationale underlying the original exclusion—to prevent sources from being dispersed in unregulated locations around the world by facilitating a ''one-for one'' exchange of U.S.-supplied new and disused sources—while achieving occupational doses to workers that are as low as reasonably achievable, as specified in 10 CFR 20.1101(b).

The NRC expects U.S. manufacturers, distributors, and suppliers to inform their customers about U.S. import licensing requirements for disused sources. It is recommended that U.S. importers retain copies of their communications with their foreign customers regarding U.S. import requirements. The U.S. importer at all times must comply with the specific license requirement for disused sources known to be of non-U.S. origin prior to import into the United States. A good faith effort by the importer may include communication of U.S. import requirements with its foreign customers, examination of a photograph of the source the customer seeks to exchange, and other relevant information related to the disused sources' origin.

Consistent with 10 CFR 110.53, the NRC may inspect the licensee's records, premises and activities pertaining to its exports and imports to ensure compliance with the sealed source exclusion to the definition of ''radioactive waste'' by trying to determine source origin (from user paperwork and communication) before an import occurs.

This position is being distributed to all Agreement States and material licensees.

Additionally, the NRC has coordinated this position with the Department of Energy/National Nuclear Safety Administration's (DOE/NNSA) Global Threat Reduction Initiative (GTRI). One of GTRI's programs repatriates sources from around the world that are in unsafe or insecure locations. The NRC does not have import licensing jurisdiction when U.S. companies import disused sources on behalf of NNSA's GTRI program; therefore, the licensing requirements in Part 110 would not apply to such imports.

D. Implementation

This technical position reflects the current NRC staff position on acceptable use of the general license for import of disused radioactive sources. Therefore, except in those cases in which the source manufacturer or distributor proposes an acceptable alternative method for complying with the definition of ''radioactive waste'' in Section 110.2, the guidance described herein will be used in the evaluation of the use of the general import license for disused sources.

Dated at Rockville, Maryland, this 15th day of October 2012.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Director, Office of International Programs.

[FR Doc. 2012–25924 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

[5] The definition of ''radioactive waste'' in this Branch Technical Position paper pertains solely to export and import. It does not affect or alter the domestic regulations of ''waste'' as defined in 10 CFR 20.1003.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1124; Directorate Identifier 2012–CE–041–AD]

RIN 2120–AA64

Airworthiness Directives; Burkhart GROB Luft-und Raumfahrt GmbH Sailplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Burkhart GROB Luft-und Raumfahrt GmbH Models GROB G 109 and GROB G 109B sailplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion and/or cracking of the elevator control rod that could lead to failure of the elevator control rod with consequent loss of control. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 6, 2012.

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

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

For service information identified in this proposed AD, contact Grob Aircraft AG, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany; phone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; email: *productsupport@grob-aircraft.com;* Internet: *www.grob-aircraft.com/62.html*. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901

Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1124; Directorate Identifier 2012–CE–041–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://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

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No.: 2012–0181, dated September 7, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Corroded and cracked elevator control road in the vertical fin on a Grob G 109B powered sailplane has been reported.

The technical investigation revealed that water had soaked into the elevator control rod through a control bore hole and resulted in corrosion damage and, in case of water freeze between the external control rod and the internal mass balance, in crack of the elevator control rod in the vertical fin.

This condition, if not detected and corrected, could lead to failure of the elevator control rod, possibly resulting in loss of control of the sailplane.

To address this unsafe condition, Grob Aircraft AG published Service Bulletin (MSB) 817–64 providing instructions for elevator control rod inspection and replacement.

For the reasons described above, this AD requires accomplishment of inspections of the elevator control rod in the vertical fin and, depending on finding, its replacement with a serviceable part, as well as a revision of powered sailplane Aircraft Maintenance Manual (AMM).

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

Relevant Service Information

Grob Aircraft AG has issued Service Bulletin No. MSB817–64/2, dated September 6, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

For Model G109 Sailplanes

We estimate that this proposed AD will affect 31 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $5,270, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing $680, for a cost of $765 per product. We have no way of determining the number of products that may need these actions.

For Model G109B Sailplanes

We estimate that this proposed AD will affect 28 products of U.S. registry. We also estimate that it would take about 3.5 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $78 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $10,514, or $375.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 1 work-hour and require parts costing $738, for a cost of $823 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

(4) Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Burkhart GROB Luft-und Raumfahrt GmbH: Docket No. FAA–2012–1124; Directorate Identifier 2012–CE–041–AD.

(a) Comments Due Date

We must receive comments by December 6, 2012.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Burkhart GROB Luft-und Raumfahrt GmbH Models GROB G 109 and GROB G 109B sailplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion and/or cracking of the elevator control rod. We are issuing this proposed AD to detect and correct corrosion and/or cracking of the elevator control rod, which could lead to failure of the elevator control rod with consequent loss of control.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Within the next 25 hours time-in-service (TIS) after the effective date of this AD or within the next 60 days after the effective date of this AD, whichever occurs first, and repetitively thereafter at intervals not to exceed every 5 years, inspect the elevator control rod in the vertical fin for corrosion or cracking following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817–64/2, dated September 6, 2012.

(2) For the purposes of this AD, we define slight corrosion as corrosion you can remove with metal wool and that has no visible pitting in the base metal. If you cannot remove the corrosion with metal wool or if there is visible pitting in the base metal, we define it as heavy corrosion.

(3) If any cracks or heavy corrosion are found during any of the inspections required in paragraph (f)(1) of this AD, before further flight, replace the elevator control rod with an airworthy part following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817–64/2, dated September 6, 2012, for your applicable sailplane model.

(4) If only slight or no corrosion of the elevator control rod is found during any of the inspections required in paragraph (f)(1) of this AD, before further flight, clean the rod surface and apply a corrosion inhibitor, as applicable, following the accomplishment instructions in Grob Aircraft AG Service Bulletin No. MSB817–64/2, dated September 6, 2012.

Note 1 to paragraph (f) of this AD: Grob Aircraft AG incorporated the repetitive inspections required by this AD into the instructions for continued airworthiness of the aircraft maintenance manual for the applicable sailplanes.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov*. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, AD No.: 2012–0181, dated September 7, 2012; and Grob Aircraft AG Service Bulletin No. MSB817–64/2, dated September 6, 2012, for related information. For service information related to this AD, contact Grob Aircraft AG, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany; phone: +49 (0) 8268 998 139; fax: +49 (0) 8268 998 200; email: *productsupport@grob-aircraft.com;* Internet: *www.grob-aircraft.com/62.html*. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on October 15, 2012.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–25891 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1127; Directorate Identifier 2010–SW–035–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada (Bell) Model Helicopters

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Bell Model 430 helicopters, which would require replacing certain components of the air data system. This proposed AD is prompted by the discovery of incorrect indicated airspeed when the helicopter was tested to the cold temperature limits (−40 degrees centigrade) required for Category A operations. The proposed actions are intended to correct the published V_{ne} and to correct the indicated airspeed.

DATES: We must receive comments on this proposed AD by December 21, 2012.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

For service information identified in this proposed AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Mark F. Wiley, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5110, fax (817) 222–5961, email *mark.wiley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD No. CF–2005–30, dated August 3, 2005, to correct an unsafe condition for the Bell Model 430 helicopters. Discrepancies in the processing and display of air data were revealed when testing at low temperatures to minus 40 degrees Centigrade (−40 °C). The TCCA advises that modification to the instrumentation is required to reflect the V_{ne} airspeed values tested at temperatures to −40 °C. The TCCA states ''This modification affects the software in the V_{ne} Overspeed Warning computer (required for Category A operations) and in the AFCS [Automatic Flight Control System] Air Data Computer.'' TCAA issued AD CF–2005–30 to require the procedures in Bell Alert Service Bulletin (ASB) No. 430–05–35, dated June 21, 2005, for replacing the affected instruments. Bell also issued ASB No. 430–01–22, dated April 30, 2001 (ASB 430–01–22), which provided a temporary Rotorcraft Flight Manual Supplement and placards with information on airspeed corrections. TCCA did not issue an AD to mandate the provisions of ASB 430–01–22.

FAA's Determination

These helicopters have been approved by the TCCA and are approved for operation in the United States. Pursuant to our bilateral agreement with Canada, TCCA has notified us of the unsafe condition described in the Canadian AD.

We are proposing this AD because we have evaluated all relevant information and determined that an unsafe condition exists and is likely to exist or develop on other helicopters of this same type design.

Related Service Information

Bell has issued ASB No. 430–05–35, dated June 21, 2005, which specifies, for helicopters with an overspeed warning system, replacing the overspeed warning computer, V_{ne} converter, and pilot and copilot airspeed indicator; leak testing the pilot pitot static system; and operationally testing the overspeed warning system. For helicopters with a single or dual Automatic Flight Control System (AFCS) with a Flight Director, ASB No. 430–05–35 specifies replacing the AFCS air data computer adapter module; leak testing the pilot pitot static system; and power-up and self-testing the ALT/VSI. This ASB also specifies removing the V_{ne}-unreliable decals on the instrument panel on both configurations of these helicopters. TCCA classified ASB No. 430–05–35 as mandatory and issued AD CF–2005–30, dated August 3, 2005, to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would require within 1 year, unless done previously:

- For helicopters with Overspeed Warning System:
  - ○ Replacing the overspeed warning computer, the V_{ne} converter, and the pilot and copilot airspeed indicator;
  - ○ Removing decal, P/N 430–075–070–103, if installed, from below the pilot and copilot airspeed indicators;
  - ○ Leak testing the pilot pitot static system; and
  - ○ Operationally testing the overspeed warning system.
- For helicopters with a Single or Dual AFCS with a Flight Director:
  - ○ Replacing the AFCS air data computer adapter module;
  - ○ Removing decal, P/N 430–075–070–101, if installed, from above the pilot and copilot electronic attitude direction indicators airspeed indicators;
  - ○ Leak testing the pilot pitot static system; and
  - ○ Power-up testing the altimeter/vertical speed indicator (ALT/VSI) and self-testing the ALT/VSI of the AFCS air data computer.

Differences Between This Proposed AD and the TCCA AD

We do not use the compliance date of July 31, 2007.

Costs of Compliance

We estimate that this proposed AD would affect 52 helicopters of U.S. registry. We estimate that operators may incur the following costs in order to comply with this AD:

- $680 to replace the overspeed warning computer, pilot and copilot airspeed indicators, V_{ne} converter, and AFCS air data computer adapter module for each helicopter, assuming 8 work hours for each helicopter at an average labor rate of $85 per work hour, and

• $46,074 per helicopter for the required parts.

Based on these figures, we estimate the total cost impact of the proposed AD on U.S. operators to be $2,431,208 for the 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 products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska 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 proposed 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new Airworthiness Directive (AD).

Bell Helicopter Textron Canada: Docket No. FAA–2012–1127; Directorate Identifier 2010–SW–035–AD.

(a) Applicability

This AD applies to Model 430 helicopters: serial number (S/N) 49001 through 49103, with Overspeed Warning Kit, part number (P/N) 430–706–004–101 or P/N 430–706–004–103, installed; S/N 49001 through 49100, with Single Automatic Flight Control System (AFCS) with Flight Director Kit, P/N 430–705–009–103, –105, –109, –111, –115, –117, or P/N 430–705–011–109, –111, –121, or –123, installed; and S/N 49001 through 49100, with Dual AFCS with Flight Director Kit, P/N 430–705–011–103, –105, –115, –117, –125, –127, –129, –133, –135, or –137, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as inability of the helicopters, based on testing, to operate at the published V_{ne} indicated airspeeds within the cold temperature limits (−40 degrees centigrade) required for Category A operations.

(c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(d) Required Actions

Within 1 year:

(1) For helicopters with an Overspeed Warning System, replace the Overspeed Warning Computer, P/N 430–375–013–103, with the Overspeed Warning Computer, P/N 430–375–013–105; the V_{ne} Converter, P/N ADI–21280–000, with the V_{ne} Converter, P/N ADI–21280–100; and the pilot and copilot Airspeed Indicator, P/N 222–375–027–117, with the pilot and copilot airspeed Indicator, P/N 222–375–027–119;

(i) If installed, remove the decal, P/N 430–075–070–103, from below the pilot and copilot airspeed indicators;

(ii) Leak test the pilot pitot static system; and

(iii) Operationally test the overspeed warning system.

(2) For helicopters with a Single or Dual Automatic Flight Control System (AFCS) with a Flight Director, replace the AFCS Air Data Computer Adapter Module, P/N 065–05041–0021, with P/N 065–05041–0031;

(i) If installed, remove the decal, P/N 430–075–070–101, from above the pilot and copilot electronic attitude direction indicators airspeed indicators;

(ii) Leak test the pilot pitot static system;

(iii) Power-up test the altimeter/vertical speed indicator (ALT/VSI) and self-test the ALT/VSI of the AFCS air data computer.

(e) Alternative Methods of Compliance (AMOC)

(1) The Manager, Rotorcraft Standards Staff, FAA may approve AMOCs for this AD. Send your proposal to: Mark F. Wiley, Aviation Safety Engineer, Rotorcraft Directorate, Regulations and Policy Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5134, fax (817) 222–5961, email *mark.wiley@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.

(f) Additional Information

(1) Bell Helicopter Textron Alert Service Bulletin (ASB) No. 430–05–35, dated June 21, 2005, and ASB No. 430–01–22, dated April 30, 2001, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272, or *http://www.bellcustomer.com/files/*. You may review the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in Transport Canada Civil Aviation AD No. CF 2005–30, dated August 3, 2005.

(g) Subject

Joint Aircraft System/Component Code: 3417 Air Data Computer.

Issued in Fort Worth, Texas, on October 12, 2012.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2012–25899 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–0732; Directorate Identifier 2012–CE–022–AD]

RIN 2120–AA64

Airworthiness Directives; PILATUS AIRCRAFT LTD. Airplanes

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

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: We are revising an earlier NPRM for all PILATUS AIRCRAFT LTD. Models PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section, Chapter 4, of the FAA-approved maintenance program (e.g., maintenance manual). We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by December 6, 2012.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.

Mail: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact PILATUS AIRCRAFT LTD., Customer Service Manager, CH–6371 STANS, Switzerland; telephone: +41 (0)41 619 62 08; fax: +41 (0)41 619 73 11; Internet: *http://www.pilatus-aircraft.com* or email: *SupportPC12@pilatus-aircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–0732; Directorate Identifier 2012–CE–022–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on July 18, 2012 (77 FR 42225). That earlier NPRM (77 FR 42225, July 18, 2012) proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM (77 FR 42225, July 18, 2012), was issued, PILATUS AIRCRAFT LTD. has issued updated revisions to the Structural and Component Airworthiness Limitations documents.

Relevant Service Information

Pilatus Aircraft Ltd. has issued Pilatus PC12 Aircraft Maintenance Manual Temporary Revision No. 04–03, dated October 12, 2012, which transmits Unclassified 12–A/AMP–04 Structural, Component and Miscellaneous—Airworthiness Limitations, document 12–A–04–00–00–00A–000A–A, dated October 15, 2012; and PC12/47E Aircraft Maintenance Manual Temporary Revision No. 04–01, dated October 15, 2012, which transmits Unclassified 12–B/AMP–04 Structural and Component Limitations—Airworthiness Limitations, document 12–B–04–00–00–00A–000A–A, dated October 15, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We have considered the following comment received on the earlier NPRM (77 FR 42225, July 18, 2012).

Johan Kruger of PILATUS AIRCRAFT LTD. requested the FAA to incorporate new revisions of the Structural and Component Airworthiness Limitations documents into the proposed AD. These revisions incorporate a change to the fire extinguisher life limit, correct the flap control and warning unit (FCWU) part number, and change the description of the cockpit inner and outer window damage.

We agree with the commenter. In order to ensure that the owners/operators of the affected airplanes are using the correct limitations for their FAA-approved maintenance program, we are incorporating the new revisions to the Structural and Component Airworthiness Limitations documents into this proposed AD.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this supplemental NPRM because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. Certain changes described above expand the scope of the original NPRM (77 FR 42225, July 18, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this supplemental NPRM.

Costs of Compliance

We estimate that this proposed AD would affect 678 products of U.S. registry. We also estimate that it would take about 3.5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $300 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $405,105, or $597.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 6 work-hours and require parts costing $4,000, for a cost of $4,510 per product. We have no way of determining the number of products that may need these actions.

We also estimate that it would take about 12 work-hours per product to comply with the addition of the wing inspection requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed wing inspection on U.S. operators to be $691,560, or $1,020 per product.

In addition, we estimate that any necessary follow-on actions would take about 7 work-hours and require parts costing approximately $5,000, for a cost of $5,595 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

PILATUS AIRCRAFT LTD.: Docket No. FAA–2012–0732; Directorate Identifier 2012–CE–022–AD.

(a) Comments Due Date

We must receive comments by December 6, 2012.

(b) Affected ADs

This AD supersedes AD 2009–14–13, Amendment 39–15963 (74 FR 34213, July 15, 2009).

(c) Applicability

This AD applies to PILATUS AIRCRAFT LTD. Models PC–12, PC–12/45, PC–12/47, and PC–12/47E airplanes, all manufacturer serial numbers (MSNs), certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 05: Time Limits.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as a need to incorporate new revisions into the Limitations section, Chapter 4, of the FAA-approved maintenance program (e.g., maintenance manual). The limitations were revised to include an inspection of the wing main spar fastener holes at rib 6 for cracks. These actions are required to ensure the continued operational safety of the affected airplanes.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) *For Models PC–12 and PC–12/45 airplanes, MSNs 101 through 299:* Within the next 100 hours time-in-service (TIS) after August 19, 2009 (the effective date retained from AD 2009–14–13, Amendment 39–15963 (74 FR 34213, July 15, 2009)) or 1 year after August 19, 2009 (the effective date retained from AD 2009–14–13), whichever occurs first, replace the torque tube part number (P/N) 532.50.12.047 with torque tube P/N 532.50.12.064 following PILATUS AIRCRAFT LTD. Service Bulletin No: 32–021, dated November 21, 2008.

(2) *For all airplanes:* As of the effective date of this AD, do not install torque tube P/N 532.50.12.047.

(3) *For all airplanes:* Before further flight after the effective date of this AD, insert Pilatus PC12 Aircraft Maintenance Manual Temporary Revision No. 04–03, dated October 15, 2012, which transmits Unclassified 12–A/AMP–04 Structural, Component and Miscellaneous—Airworthiness Limitations, document 12–A–04–00–00–00A–000A–A, dated October 15, 2012 (for Models PC–12, PC–12/45, PC–12/47), and PC12/47E Aircraft Maintenance Manual Temporary Revision No. 04–01, dated October 15, 2012, which transmits Unclassified 12–B/AMP–04 Structural and Component Limitations—Airworthiness Limitations, document 12–B–04–00–00–00A–000A–A, dated October 15, 2012 (for Model PC–12/47E), into the Limitations section of the FAA-approved maintenance program (e.g., maintenance manual). The limitations section revision does the following:

(i) Establishes an inspection of the wing main spar fastener holes at rib 6,

(ii) Specifies replacement of components before or upon reaching the applicable life limit, and

(iii) Specifies accomplishment of all applicable maintenance tasks within certain thresholds and intervals.

(4) *For all airplanes:* If no compliance time is specified in the documents listed in paragraph (f)(3) of this AD when doing any corrective actions where discrepancies are found as required in paragraph (f)(3)(iii) of this AD, do these corrective actions before further flight after doing the applicable maintenance task.

(5) *For all airplanes:* During the accomplishment of the actions required in paragraphs (f)(3)(i), (f)(3)(ii), and (f)(3)(iii) of this AD, if a discrepancy is found that is not identified in the documents listed in paragraph (f)(3) of this AD, before further flight after finding the discrepancy, contact Pilatus Aircraft Ltd. at the address specified in paragraph (h) of this AD for a repair scheme and incorporate that repair scheme.

Note 1 to paragraph (f)(3) of this AD: Pilatus PC12 Aircraft Maintenance Manual Temporary Revision No. 04–03, dated October 15, 2012, which transmits Unclassified 12–A/AMP–04 Structural, Component and Miscellaneous—Airworthiness Limitations, document 12–A–04–00–00–00A–000A–A, dated October 15, 2012 (for Models PC–12, PC–12/45, PC–12/47) is part of Chapter 4 of the Airplane Maintenance Manual (AMM) report 02049, issue 25, dated January 25, 2012.

Note 2 to paragraph (f)(3) of this AD: PC12/47E Aircraft Maintenance Manual Temporary Revision No. 04–01, dated October 15, 2012, which transmits Unclassified 12–B/AMP–04 Structural and Component Limitations—Airworthiness Limitations, document 12–B–04–00–00–00A–000A–A, dated October 15, 2012 (for Model PC–12/47E) is part of Chapter 4 of the AMM report 02300, issue 8, dated January 25, 2012.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

(i) Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(ii) AMOCs approved for AD 2009–14–13, Amendment 39–15963 (74 FR 34213, July 15, 2009) are not approved as AMOCs for this AD.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2012–0099, dated June 8, 2012; Pilatus PC12 Aircraft Maintenance Manual Temporary Revision No. 04–03, dated October 15, 2012, which transmits Unclassified 12–A/AMP–04 Structural, Component and Miscellaneous—Airworthiness Limitations, document 12–A–04–00–00–00A–000A–A, dated October 15, 2012; PC12/47E Aircraft Maintenance Manual Temporary Revision No. 04–01, dated October 15, 2012, which transmits Unclassified 12–B/AMP–04 Structural and Component Limitations—Airworthiness Limitations, document 12–B–04–00–00–00A–000A–A, dated October 15, 2012; and PILATUS AIRCRAFT LTD. Service Bulletin No: 32–021, dated November 21, 2008, for related information. For service information related to this AD, contact PILATUS AIRCRAFT LTD., Customer Service Manager, CH–6371 STANS, Switzerland; telephone: +41 (0)41 619 62 08; fax: +41 (0)41 619 73 11; Internet: *http://www.pilatus-aircraft.com* or email: *SupportPC12@pilatus-aircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on October 16, 2012.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2012–25901 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1004; Airspace Docket No. 12–ANM–21]

RIN 2120–AA66

VOR Federal Airway V–595; Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF omnidirectional range (VOR) Federal airway V–595 in Oregon. The FAA is proposing this action to redescribe the route due to the scheduled decommissioning of the Portland, OR, VOR/DME facility which currently serves as an end point for the route.

DATES: Comments must be received on or before December 6, 2012.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2012–1004 and Airspace Docket No. 12–ANM–21 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

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 (FAA Docket No. FAA–2012–1004 and Airspace Docket No. 12–ANM–21) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2012–1004 and Airspace Docket No. 12–ANM–21.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public

contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded 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 (see **ADDRESSES** section for address and phone number) between 9:00 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 Western Service Center, Operations Support Group, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057.

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

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the description of VOR Federal airway V–595. This action is necessary because the Portland, OR VOR/DME, which serves as the northern endpoint of the route, is scheduled to be decommissioned. The proposed change would remove that segment of the route between the charted HARZL fix and the Portland VOR/DME.

VOR Federal airways are published in paragraph 6010, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airway listed in this document would be subsequently published 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. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as required to preserve the safe and efficient flow of air traffic.

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 7400.9W, Airspace Designations and Reporting Points, Dated August 8, 2012 and effective September 15, 2012, is amended as follows:

* * * * *

Paragraph 6010 Domestic VOR Federal Airways.

V–595 [Amended]

From Rogue Valley, OR; Deschutes, OR; to INT Deschutes 308°(T)/293°(M) and Newberg, OR, 085°(T)/070°(M) radials.

Issued in Washington, DC, on October 10, 2012.

Gary A. Norek,

Manager, Airspace Policy and ATC Procedures Group.

[FR Doc. 2012–25890 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0541; FRL 9733–5]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Greif Packaging, LLC Adjusted Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve into the Illinois State Implementation Plan (SIP) an adjusted standard for the Greif Packaging, LLC facility located at 5 S 220 Frontenac Road in Naperville, Illinois (Greif). On June 20, 2012, the Illinois Environmental Protection Agency submitted to EPA for approval an adjustment to the general rule, Organic Material Emission Standards and Limitations for the Chicago Area; Subpart TT: Other Emission Units, as it applies to emissions of volatile organic matter (VOM) from Greif's fiber drum container manufacturing facility. VOM, as defined by the State of Illinois, is identical to volatile organic compound, as defined by EPA. The adjusted standard replaces portions of the general rule for VOM emissions with site-specific reasonably available control technology requirements for the Greif facility.

DATES: Comments must be received on or before November 21, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0541, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: aburano.douglas@epa.gov.*
3. *Fax:* (312) 408–2279.
4. *Mail:* Doug Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Doug Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental

Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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: Kathleen D'Agostino, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 13, 2012.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2012–25820 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15, 74, and 90

[WT Docket Nos. 08–166, 08–167, ET Docket No. 10–24; DA 12–1570]

Wireless Microphones Proceeding

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; comments requested.

SUMMARY: In this document, the Wireless Telecommunications Bureau and the Office of Engineering and Technology invite interested parties to update and refresh the record pertaining to two specific issues raised in the Commission's 2010 Wireless Microphones further notice of proposed rulemaking.

DATES: Interested parties may file comments on or before November 21, 2012, and reply comments on or before December 12, 2012.

ADDRESSES: You may submit comments, identified by WT Docket Nos. 08–166, 08–167, ET Docket No. 10–24, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Bill Stafford, Wireless Telecommunications Bureau, (202) 418–0563, or Alan Stillwell, Office of Engineering and Technology, (202) 418–2470.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice released on October 5, 2012. The full text of the public notice is available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554; the contractor's Web site, *http://www.bcpiweb.com;* or by calling (800) 378–3160, facsimile (202) 488–5563, or email *FCC@BCPIWEB.com.* Copies of the public notice also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the following docket numbers: WT Docket Nos. 08–166, 08–167, and ET Docket No. 10–24. Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

The Wireless Telecommunications Bureau and the Office of Engineering and Technology invite interested parties to update and refresh the record pertaining to two specific issues raised in the Commission's 2010 *Wireless Microphones Further Notice of Proposed Rulemaking* [1]—(1) whether the Commission should provide for a limited expansion of license eligibility that would permit some wireless microphone and other low power auxiliary station users, which currently operate in the TV broadcast spectrum on an unlicensed basis, to operate on a licensed basis under the part 74 rules applicable to low power auxiliary stations (LPAS); and (2) what steps the Commission should take to promote more efficient use of this spectrum by wireless microphones.[2] The Commission asks that these comments take into consideration recent industry developments, including advances in wireless microphone technologies, as

[1] *See* Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band, WT Docket No. 08–166, Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, WT Docket No. 08–167, Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, ET Docket No. 10–24, *Report and Order and Further Notice of Proposed Rulemaking,* 75 FR 3622, 75 FR 3682, 25 FCC Rcd 643 (2010) (*Wireless Microphones Order and Wireless Microphones Further Notice of Proposed Rulemaking,* respectively).

[2] In the *Incentive Auctions NPRM* adopted on September 28, 2012, the Commission noted that it would be issuing this public notice to refresh the record on expanding eligibility for licensed operations to specified classes of users, and on improved efficiency standards. *See* Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12–268, *Notice of Proposed Rulemaking,* FCC 12–118, para. 224 n. 354 (adopted Sept. 28, 2012) (*Incentive Auctions NPRM*).

well as related Commission proceedings that affect use of wireless microphones, including the TV White Spaces proceeding [3] and the Incentive Auctions proceeding proposing auction of spectrum currently allocated to television broadcasting.

Background

In the *Wireless Microphones Further Notice* adopted in January 2010, the Commission sought comment on the use of wireless microphones and other low power auxiliary stations on an unlicensed basis in the current TV bands (Channels 2–51, excluding Channel 37). Noting that the Commission currently permits such operations pursuant to the waiver granted in the *Wireless Microphones Order,* the Commission specifically proposed that wireless microphones that operate on an unlicensed basis pursuant to that waiver be permitted to operate in the TV bands pursuant to part 15 and certain specified technical rules. In addition, the Commission sought comment on whether it should revise the part 74 low power auxiliary station (LPAS) rules to provide for a limited expansion of the categories of entities that would be eligible for licensed use of wireless microphones and other related LPAS. The Commission also sought comment on possible long-term reform, based in part on technological innovations that would enable wireless microphones to operate more efficiently and with improved immunity to harmful interference, thereby increasing the spectrum available for wireless microphones and other uses.

Subsequently, in the *TV White Spaces Second MO&O* adopted in September 2010, the Commission took additional steps to make unused spectrum in the TV bands available for use by unlicensed TV band devices (referenced herein as ''white space devices'') and addressed the operations of both licensed and unlicensed wireless microphones with respect to unlicensed white space devices. The Commission generally excluded white space devices from two of the unused channels in the UHF TV band near Channel 37 so that if these channels were available they could be used for wireless microphones. In addition, the Commission provided that LPAS licensees could register their wireless microphones (and related low power auxiliary station operations) in the TV bands databases so that they may be protected from interference from unlicensed white space devices on available channels at specified times. The Commission, subject to its approval, also permitted certain unlicensed microphone users (*e.g.,* those operating at major events where wireless microphone operations cannot be accommodated on channels not available for white space devices) to register their wireless microphone operations in the TV bands databases. More recently, in the *Incentive Auctions NPRM* adopted on September 28, 2012, the Commission proposed to repack television stations. Noting that this action may reduce the spectrum available in the TV bands for secondary use by licensed and unlicensed wireless microphones as well as for unlicensed white space devices, the Commission sought comment on various proposals that would affect each of these operations. Specifically, the Commission sought comment on what additional steps it could take to promote more efficient and effective operation of wireless microphones in the spectrum that remained for TV broadcast.

Updating and Refreshing the Record

Considering the time that has passed since the Commission issued the *Wireless Microphones Further Notice,* and in light of the *TV White Spaces Second MO&O* and the recently issued *Incentive Auctions NPRM,* the Commission asks that interested parties refresh and update the record on the following issues.

Expansion of Part 74 eligibility. In the *Wireless Microphones Further Notice,* the Commission sought comment on whether to revise its rules to provide for a ''limited'' expansion of eligibility under part 74, subpart H of the rules to provide additional categories of users eligible for licensed use of wireless microphones or other low power auxiliary stations. In the *Wireless Microphones Further Notice,* the Commission noted that wireless microphones and other low power auxiliary station devices had been recognized as necessary and beneficial to broadcast productions, and had expanded the list of entities eligible for a part 74 license over time to include motion picture and television producers and certain cable television operators, reasoning that these entities had requirements similar to those of broadcast licensees. The Commission asked extensive questions about whether to authorize licensed wireless microphone use at certain large theaters, entertainment complexes, sporting arenas, and religious facilities, because these venues might need the assurance of interference protections afforded part 74 LPAS licensees. The Commission underscored the need to balance the needs of potential new classes of wireless microphone licensees with those of other users in the TV bands and expressed particular concern that any ''broad expansion'' of eligibility could undercut that balance by significantly reducing the amount of spectrum available for other uses, such as by white space devices. The Commission also indicated that it would take into consideration whether it would be practical for any new licensees to comply with the requirement that part 74 licensees coordinate frequencies and provide up-to-date information on venues and times of operations to the TV bands database system on an ongoing basis so that they do not otherwise block use to others at times when there is no need.

In the subsequently released *TV White Spaces Second MO&O,* the Commission determined that only a small subset of unlicensed wireless microphone users would qualify for registration in the TV bands database system. Specifically, the Commission stated that ''[a]s a general matter, we * * * find that it would be inappropriate to protect unlicensed wireless microphones against harmful interference from other unlicensed devices, and in particular TV bands devices'' and observed that the ''overwhelming majority'' of wireless microphone use does not merit registration in the TV bands database. The Commission noted that in the vast majority of markets, or to the extent that the number of wireless microphones needed is relatively low, the operator of unlicensed microphones can avoid receiving harmful interference from TV white space devices by using the two reserved channels as well as the other channels in each market where white space devices are not allowed to operate. The Commission nonetheless provided that ''[e]ntities operating or otherwise responsible for the audio systems at major events where large numbers of wireless microphones will be used and cannot be accommodated in the available channels at that location may request registration of the site in the TV bands databases.'' The Commission further indicated that ''major sporting contests'' and ''live theatrical productions/shows'' are examples of major events that might qualify for registration. Such entities may request Commission approval so

[3] Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04–186, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, ET Docket No. 02–380, *Second Memorandum Opinion and Order,* 75 FR 75814, 25 FCC Rcd 18661 (2010) (*TV White Spaces Second MO&O*). *See also* Unlicensed Operation in the TV Broadcast Bands, ET Docket No. 04–186, *Third Memorandum Opinion and Order,* 77 FR 29236, 27 FCC Rcd 3692 (2012).

that they can register unlicensed microphones at particular venues and specified times in the TV bands database system and obtain the same protection from interference from unlicensed white space devices afforded licensed wireless microphone operations.[4]

The Commission requests that interested parties update and refresh the record on whether the Commission should expand license eligibility under part 74, subpart H for certain operators of unlicensed wireless microphones or other low power auxiliary devices at specified venues. The Commission asks that commenters advocating an expansion of the eligibility requirements for part 74 LPAS licensing be as specific as possible. To the extent that the Commission chooses to expand license eligibility only for certain users that have wireless microphone requirements substantially similar to those of broadcasters, precisely which class(es) of users and uses would fall into this category? More specifically, which type(s) or class(es) of entities and which type(s) of venues or events—whether by type of event, level of quality of service necessary for the event (*e.g.,* ''professional quality''), number of microphones needed, number of seats in auditorium, or some other qualification or measure—should become eligible to hold a license. Should, for example, the Commission expand license eligibility for some or all of the users or entities that are permitted to register venues for unlicensed wireless microphone use in the TV bands database system? Examples might include entities responsible for major production events that take place at such venues as Madison Square Garden or Broadway theaters in New York City, the Kennedy Center in Washington, DC, and the Grand Ole Opry in Nashville. Consistent with this approach, what other concrete examples would qualify? If the Commission were to expand part 74 license eligibility for all of these entities operating at such venues, how, precisely, would the Commission define or classify such class(es) of entities in its eligibility rules?

Should the Commission establish more specific criteria for eligibility for a low power auxiliary station license at a specified venue? For instance, the Commission could require that an entity applying for a license establish each of the following—(1) that the specified venue periodically hosts events that require the same level of ''professional'' high production-quality audio as the type needed for broadcast productions; (2) that these events involve a live production, with an audience in attendance, or a rehearsal for such events; and (3) that the venue size meets specified criteria depending on the type of venue or event (*e.g.,* for theaters used for professional productions or house of worship venues, a minimum of 1,000 fixed seats; for auditoriums or convention centers, a space capacity-rated for 3,000 people; for sports venues, a minimum of 10,000 seats for indoors, and 25,000 seats for outdoors)? The Commission asks for comment on this or similar approaches. If the Commission were to take this type of approach, how would it determine which entities meet the first criterion regarding a need for ''professional'' quality production? To the extent the venue uses a professional production company or professional frequency coordinator, would this be sufficient to establish that the venue merits licensing? To what extent should the Commission consider the need to operate at part 74 technical parameters (*e.g.,* higher power)? As for the third element, the Commission asks that commenters be specific when discussing which categories of venue (*e.g.,* stadium or amphitheater) or capacity measurements (*e.g.,* number of seats) would be appropriate. To what extent should the Commission also require that an entity show that it would have need for a specified minimum number of microphones (*e.g.,* 100 or more) at a venue? The Commission seeks comment on these various proposals.

The Commission also seeks comment on which type(s) of entities would hold the license for operations at a specified venue. Should the Commission only license specific venues? Under such an approach, a venue (or a responsible party for the venue) would be licensed, the venue could be registered in the TV bands database system, and the venue operator, or professional audio companies that act as agents under a venue's license when carrying out their engineering responsibilities, could then work directly with the TV database administrators to register the needed wireless microphone channels for particular events and times. Alternatively, might the Commission license professional production companies for operations at specified venues? The Commission seeks comment on these or other approaches.

Expanding eligibility for operations at nuclear facilities. In the *Wireless Microphones Further Notice,* the Commission also sought comment on possible expansion of license eligibility for the special case involving the use of low power auxiliary station operations at nuclear power plant facilities. Specifically, it sought comment on the possibility of expanding eligibility to allow nuclear power plant operators to obtain licenses under part 90 to operate certain low power auxiliary station equipment, certificated for use under subpart H of part 74 of the rules, inside nuclear facilities. The Commission takes this opportunity to allow commenters to refresh the record on expanding eligibility to include such applications for these operators. For example, commenters may wish to address whether any additional means of meeting the operational communications needs of nuclear facilities have become available. If the Commission were to expand eligibility for part 74 licensing to nuclear power plant owners and operators, should it restrict operation of the equipment to indoor use or should use be permitted anywhere within the plant's security perimeter? If outdoor use is permitted, should it be limited to particular plant operations such as fuel handling?

More efficient wireless microphones through technological advancements. As discussed above, in the *Wireless Microphones Further Notice,* the Commission expressed its intent to develop longer-term solutions that would help ensure that wireless microphones operate more efficiently and effectively on spectrum available for their use, and sought comment on potential technological innovations that would promote more efficient wireless microphone operations and thereby increase the availability of spectrum for wireless microphone and other uses. In the *TV White Spaces Second MO&O,* the Commission observed that wireless microphones generally have operated inefficiently, and noted that while wireless microphone users may believe they need access to more spectrum, any such needs ''must be accommodated through improvements in spectrum efficiency.'' In the *Incentive Auctions NPRM,* the Commission again noted the importance of more efficient wireless microphone operations, and sought comment on steps it should take to ensure that any broadcast spectrum

[4] 47 CFR 15.713(h)(9). We note also that OET and WTB have announced the initial launch of the unlicensed wireless microphone registration system, and have provided guidance on aspects of the registration process. *See* Office of Engineering and Technology and Wireless Telecommunications Bureau Announce the Initial Launch of Unlicensed Wireless Microphone Registration System, Registration Open in East Coast Region: New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, DC, Virginia, and North Carolina, ET Docket No. 04–186, *Public Notice,* DA 12–1514 (OET/WTB, released Sept. 19, 2012) (*Public Notice on Registration of Unlicensed Wireless Microphones).*

available after repacking is used efficiently and effectively by wireless microphones. The Commission seeks to refresh and update the record on potential longer term solutions to the operation of wireless microphones.

As the Commission observed in the *Wireless Microphones Further Notice,* the majority of wireless microphones that currently operate in the UHF TV bands are frequency modulated analog devices that operate with a bandwidth of up to 200 kHz. Because of a number of factors, including the need to avoid intermodulation interference among the devices, the maximum number of wireless microphones that these analog devices can operate simultaneously in a 6 megahertz TV channel may be as few as six or eight. Accordingly, with the use of these analog wireless microphones, only between 1.2 and 1.6 megahertz of the 6 megahertz TV channel may be used while the remainder is effectively left fallow. This constitutes very inefficient use of valuable spectrum. As the Commission noted, most other radio communications services have shifted from analog to digital technology to improve spectrum efficiency and resistance to interference.

The Commission asks that commenters update the record on advances in the wireless microphone technologies that are enabling more efficient use of spectrum. In particular, the Commission asks that commenters provide detailed information on the use of more efficient advanced digital technologies. The Commission notes that Shure recently introduced digital wireless microphones that operate in the UHF band that can support up to 14–15 systems on a single 6 megahertz TV channel. Sennheiser has similarly announced its new digital microphone for the UHF band, which uses technology that allows operation of up to 12 wireless microphones on a six megahertz channel. The Commission seeks comment on the state of development of digital technologies from these and other wireless microphone manufacturers, and further development that is anticipated over the next few years. The Commission asks that commenters present information on the production values, interference implications, and performance impact of these new microphones. What bandwidth efficiencies are achievable while still maintaining adequate performance for the specific use? What are the interference implications, particularly as they relate to intermodulation interference on packing more microphones into less bandwidth? Are there filters available to mitigate these effects? How does the fidelity and latency of these new microphones compare to existing equipment and are they adequate for professional musical and theatrical performances?

What steps should the Commission take to require or encourage further development of digital wireless microphones? For example, to accommodate more efficient use, should the Commission implement a requirement to reduce the bandwidth below 200 kHz over an appropriate period of time, and if so what timeframe would make sense from an equipment development and user transition point of view? The Commission notes that the Commission has adopted requirements to promote spectrum-efficient technology for other operations, and the Commission asks that in updating the record in this proceeding commenters address whether the Commission should adopt efficiency standards for wireless microphones to encourage spectral efficiency. If so, how should the Commission establish those standards, and what timeframes would be appropriate to transition to any such standards? The Commission also seeks comment on whether and how the Commission should facilitate a transition to digital wireless microphones.

Other issues. The *Wireless Microphones Further Notice* raised several other issues (*e.g.,* authorizing unlicensed wireless microphone operations in the TV bands pursuant to particular rules, or taking steps additional to authorize wireless microphone operations outside of the TV band under other rules). To the extent necessary or appropriate, commenters should feel free to refresh or update the record on other issues raised in the *Wireless Microphones Further Notice* that have been affected by more recent developments or by the two related proceedings if this would help ensure that the Commission can fully address the issues raised in the *Wireless Microphones Further Notice.*

Procedural Matters

This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the

Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People With Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Federal Communications Commission.

Ruth Milkman,

Chief, Wireless Telecommunications Bureau.

Julius Knapp,

Chief, Office of Engineering and Technology.

[FR Doc. 2012–25825 Filed 10–19–12; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 107, 172, 173, 175, and 178

[Docket No. PHMSA–2011–0158 (HM–233C)]

RIN 2137–AE82

Hazardous Materials: Incorporation of Certain Special Permits and Competent Authorities Into Regulations

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Pipeline and Hazardous Materials Safety Administration is proposing to amend the Hazardous Materials Regulations to incorporate provisions contained in certain widely used or longstanding special permits and certain competent authority approvals (''approvals'') that have established safety records. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the regulations provided an equivalent level of safety is maintained. An approval is a written consent (document) required under an international standard (i.e., International Maritime Dangerous Goods (IMDG) Code, International Civil Aviation Organization (ICAO)), or is specifically provided for in the HMR, and is issued by the Associate Administrator for Hazardous Materials Safety. These proposed revisions are intended to provide wider access to the regulatory flexibility offered in special permits and approvals and eliminate the need for numerous renewal requests, reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety. Additionally, this rulemaking will address three petitions for rulemaking regarding the continued use of renewal applications for long standing special permits.

DATES: Written comments should be submitted on or before December 21, 2012.

ADDRESSES: You may submit comments by identification of the docket number (PHMSA–2011–0158; HM–233C) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

FOR FURTHER INFORMATION CONTACT: Steven Andrews, Office of Hazardous Materials Safety, Standards and Rulemaking Division, (202) 366–8553, or, Diane LaValle, Office of Hazardous Materials Safety, Approvals and Permits Division, (202) 366–4535, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Executive Summary
II. Background
III. Overview of Proposed Amendments
IV. Summary Review of Amendments
V. Regulatory Analyses and Notices

I. Executive Summary

PHMSA is proposing to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to incorporate several long standing special permit and competent authorities into the HMR. The identified special permits and competent authorities have a long history of safety. Special permits allow a company or individual to package or ship a hazardous material in a manner that varies from the hazardous materials regulations (HMR) provided an equivalent level of safety is maintained. A competent authority (CA) approval is a written consent (document) required under an international standard (i.e., International Maritime Dangerous Goods (IMDG) code or International Civil Aviation Organization (ICAO)) and is issued by the Associate Administrator for Hazardous Materials Safety.

In 2009, an audit of the Special Permits program by the Office of the Inspector General identified a need for an ongoing review of all open special permits with an outlook towards identifying those that should be made part of the HMR to reduce the overall economic burden to both affected industry and the government. Four rulemakings, HM–233A (75 FR 27205), HM–245 (76 FR 5483), and HM–216B (77 FR 37962) have successfully codified certain special permits into the HMR. These revisions provided wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining an appropriate level of safety.

This notice of proposed rulemaking (NPRM), HM–233C, continues this

initiative by proposing to incorporate several additional long-standing special permits and competent authority approvals with proven safety records into the HMR. The special permits affected by the proposed rule represent variances from current regulations on topics categorized as follows:

- Limited quantities of liquids and solids containing ethyl alcohol.
- Transportation of solid coal tar pitch compounds.
- Transportation of certain ammonia solutions in UN1H1 and UN6HA1 drums.
- Transportation of spent bleaching earth.
- Requalification of non-DOT specification cylinders in life-saving appliances.
- Use of regulated medical waste containers displaying alternative markings.
- Incorporation of Oxygen Generator special permits to harmonize with FAA Modernization and Reform Act of 2012.

The economic impact of the proposed rule can thus be summarized as follows: NET Cost: $0. Currently, industry must apply for a special permit in order to ship materials as described in this NPRM. Incorporation of these special permits into the HMR will reduce the burden on industry by no longer requiring industry to apply for a special permit to ship these materials. Therefore, this proposed rule does not impose any new costs to industry.

NET Benefits: $4,539 per year. (Averaged over 10 years, at a 7% annual discount rate.)

In addition to general positive economic impacts noted above, there are known benefits by the elimination of the need for numerous party-to applications and renewal requests. PHMSA estimates that the incorporation of these special permits and competent authority approvals will result in 140 fewer responses per year.

II. Background

PHMSA is proposing to amend the HMR to incorporate certain requirements based on existing special permits (SPs) issued by PHMSA under 49 CFR Part 107, Subpart B (§§ 107.101 to 107.127) and certain approvals issued under 49 CFR Part 107, Subpart D (§§ 107.401 to 107.405). A special permit sets forth alternative requirements—or a variance—to the requirements in the HMR in a way that achieves a safety level at least equal to the safety level required under the regulations or that is consistent with the public interest. See 49 CFR 107.105(d). Congress expressly authorized DOT to issue these variances in the Hazardous Materials Transportation Act (US Code: 49 USC 5109–5127) as amended. An approval is a written consent (document) required under an international standard (i.e., IMDG Code, ICAO), or is authorized in a specific section of the HMR and is issued by the Associate Administrator for Hazardous Materials Safety.

Special Permits

The HMR generally are performance-oriented regulations, which provide the regulated community with some flexibility in meeting safety requirements. Even so, not every transportation situation can be anticipated and built into the regulations. Innovation is the strength of our economy and the hazardous materials community is a leader in developing new materials and technologies and innovative ways of moving materials. Special permits enable the hazardous materials industry to quickly, effectively, and safely integrate new products and technologies into production and the transportation stream. Thus, special permits provide a mechanism for testing new technologies, promoting increased transportation efficiency and productivity, and ensuring global competitiveness. Hazardous materials transported under the terms of a special permit must achieve a level of safety at least equal to the level of safety achieved when transported under the HMR or that is consistent with the public interest. Implementation of new technologies and operational techniques may enhance safety. Special permits also reduce the volume and complexity of the HMR by addressing unique or infrequent transportation situations that would be difficult to accommodate in regulations intended for use by a wide range of shippers and carriers.

PHMSA conducts ongoing reviews of special permits to identify widely used and longstanding special permits with established safety records for conversion into regulations of broader applicability. Converting these special permits into regulations reduces paperwork burdens and facilitates commerce while maintaining an acceptable level of safety. Additionally, adoption of special permits as rules of general applicability provides wider access to the benefits and regulatory flexibility of the provisions granted in the special permits. Factors that influence whether or not a specific special permit is a candidate for regulatory action include: the safety record for hazardous materials transported or operations conducted under a special permit; potential broad application of a special permit; suitability of provisions in the special permit for incorporation into the HMR; rulemaking activity in related areas; and agency priorities.

The special permits addressed in this NPRM have hundreds of party status holders. Party status is granted to a person who intends to offer for transportation or transport a hazardous material or perform an activity subject to the HMR in the same manner as the original applicant.

The proposed amendments will eliminate the need for approximately 464 current holders to reapply for renewal of 20 special permits. This will also reduce the burden on PHMSA to process renewal applications. These proposals will also apply to any special permits this agency issues during the development of this rulemaking whose provisions are identical in every respect to those described in the rulemakings issued under this docket. To emphasize this, we preface the description of the affected special permits with the wording ''include'' or ''includes'' to clarify that additional special permits issued after the publication of this NPRM that are identical in every aspect as those specifically listed in this NPRM may be incorporated under these amendments.

Incorporation of the special permits into the HMR eliminates significant paperwork burdens. As a condition of a special permit issued by PHMSA and depending on the provisions of the special permit, a copy of each special permit must be: (1) Maintained at each facility where an operation is conducted or a packaging is manufactured under a special permit; (2) maintained at each facility where a package is offered or re-offered for transportation under a special permit; and (3) in some cases, carried aboard each transport vehicle used to transport a hazardous material under a special permit.

Competent Authority Approvals

The HMR also allows for PHMSA to grant approvals to companies or organizations for the manufacturing of packages in accordance with the HMR. PHMSA has identified approvals that have an established safety record to incorporate into the HMR. The approvals PHMSA identified for conversion into the HMR have an established safety record and warrant incorporation into regulations of broader applicability. Converting these approvals into regulations reduces paperwork burdens and facilitates commerce while maintaining an acceptable level of safety. A copy of each approval must be maintained at each facility where a packaging is

manufactured under this approval. The incorporation of component authority approval eliminates the renewal and maintenance requirements that were previously required. Additionally, adoption of approvals as rules of general applicability provides wider access to the benefits and regulatory flexibility of the provisions granted in the approvals. Factors that influence whether a specific approval is a candidate for regulatory action include: the safety record, whether broadly applicable, related rulemakings, and agency priorities.

III. Overview of Proposed Amendments

In this NPRM, PHMSA is proposing to revise the HMR by providing:

Special Permits

- DOT–SP 9275—Authorization for the transportation in commerce of certain limited quantities of liquids and solids containing ethyl alcohol and exempt these shipments from the provisions of the HMR.
- DOT–SP 11263—Authorization for the transportation of Class 9 solid coal pitch compounds in non-specification open-top or closed-top sift proof metal cans or fiber drums.
- DOT–SP 11836—Authorization for the transportation in commerce of UN1H1 and UN6HA1 drums containing ammonia solutions that do not meet certain requirements contained in §§ 173.24 and 173.24a.
- DOT–SP 13124—Authorizations for the transportation of ammonia solutions in UN1H1 and UN6HA1 drums by private or contract carrier.
- DOT–SP 12134—Authorization of exceptions for spent bleaching earth (Division 4.2 PG III).
- DOT–SP 12825—Authorization for the transportation of Life-saving appliances, self inflating, that contain non-specification steel cylinders between a vessel and an authorized facility for servicing.
- DOT–SP 14479—Authorization for the use of alternative shipping names and marking requirements for regulated medical wastes.
- Special Permits for Harmonization with the ''FAA Modernization and Reform Act of 2012''—PHMSA is adding an exception to the HMR for Oxygen cylinders and other Oxidizing cylinders transported aboard aircraft within the state of Alaska. This language will make several existing special permits no longer necessary. This includes the following special permits: 14903, 14908, 15062, 15075, 15076, 15077, 15078, 15079, 15092, 15094, 15095, and 15143.

Approvals

- CA2005120010—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have basis weights that vary by not more than plus or minus 5% from the measured basis weight in the initial design qualification test report.
- CA20060660005—Authorization to manufacture, mark, and sell UN5M1 and UN5M2 multi-wall paper bags with individual paper wall basis weights that vary by plus or minus 5% from the nominal basis weights reported in the initial design qualification test report.
- CA2006060006—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard components that have individual containerboard basis weights that vary by plus or minus 5% from the nominal basis weight reported in the initial design.
- CA2006010012—Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard basis weight that vary by plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

Revision to Approvals Renewals

- PHMSA is proposing to revise this section to allow for approval holders applying for a timely renewal to continue using their approval after the expiration date if they apply within 60 days of the expiration dates.

IV. Summary Review of Amendments

A. Limited Quantities of Liquids and Solids Containing Ethyl Alcohol

DOT–SP 9275 authorized the transportation in commerce of certain limited quantities of liquids and solids containing ethyl alcohol and exempts these shipments from the provisions of HMR. This special permit has been in effect since at least 1985 and had been utilized by hundreds of companies. However, on August 18, 2011 PHMSA found that SP 9275 did not provide a level of safety at least equivalent to the HMR due to the lack of hazard communications markings. PHMSA issued a revised version of SP 9275 to address the lack of hazard communication markings on August 18, 2011.

This rulemaking also will address two petitions for rulemaking related to SP 9275. A petition from the Association of Hazmat Shippers (AHS) (P–1574) requests PHMSA to incorporate the provisions of SP 9275. A petition for rulemaking was also received from the Council on Safe Transportation of Hazardous Articles (COSTHA) (P–1585) to incorporate SP 9275. COSTHA and the AHS noted that SP 9275 has been in existence for 30 years with little evidence of incidents involving the packaging, shipment, or operations conducted under the SP. Both of these petitions were supportive of incorporating the provisions of SP 9275 into the HMR.

Therefore, PHMSA is proposing to incorporate the terms of SP 9275 as revised on August 18, 2011. PHMSA is proposing to allow certain limited quantities of ethyl alcohol to be exempted from the applicable provisions of the HMR provided that the outer packagings are marked with hazard communication information identifying the company name and the words ''Contains Ethyl Alcohol.'' PHMSA is proposing to add § 173.151(g) to allow for the shipment of limited quantities of ethyl alcohol provided they meet the prescribed conditions.

B. Transportation of Solid Coal Tar Pitch Compounds

DOT–SP 11263 authorizes the transportation of solid coal tar pitch compounds, Class 9, in open-top and closed-top sift-proof metal cans or fiber drums. The special permit has been in effect since 1994 and has been utilized by 5 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit.

PHMSA proposes to incorporate the terms of DOT–SP 11263 into the HMR by amending the entry in § 172.101, The Hazardous Materials Table (HMT), for Environmentally hazardous substances, solids, n.o.s., UN 3077, by adding a new Special Provision N91 in Column 7. In addition, in § 172.102 new Special Provision N91 would be added in appropriate sequence specifically authorizing the use of a non-DOT specification sift-proof, non-bulk, metal can with or without lid, or a non-DOT specification sift-proof, non-bulk fiber drum, with or without lid. The fiber drum would be required to be fabricated with a three ply wall, as a minimum. The coal tar pitch compound must remain in a solid mass during transportation.

C. Transportation of Certain Ammonia Solutions in UN1H1 Drums, UN3H1 Jerricans, and UN6HA1 Composite Packagings

DOT–SP 11836 authorizes the transportation of specific ammonia solutions in specification UN1H1

drums, UN3H1 jerricans, and UN6HA1 composite packagings that do not meet the provisions in §§ 173.24 and 173.24a. Specific operational controls are required in lieu of compliance with these two requirements. This special permit has been in effect since 1997 and has been utilized by at least 61 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit.

PHMSA proposes to incorporate the terms of DOT–SP 11836 into the HMR by amending the entry in the HMT for Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia,* UN 2672, by adding a new Special Provision 336 in Column 7. In addition, in § 172.102 new Special Provision 336 would be added in appropriate sequence specifically authorizing the use of DOT UN1H1drums, UN3H1 jerricans, and UN6HA1 composite packagings which meet the requirements of Part 178 of the HMR at the Packing Group I or II performance level except that the packagings do not meet the venting requirements in § 173.24(g) and the hydrostatic pressure test marking specified in § 173.24a(b)(4). Transportation of these packages would also require the door of each van trailer to be marked with ''Warning trailer may contain chemical vapor. Do not enter until vapors have dissipated.'' The driver of the transport vehicle and the consignee(s) must be trained not to enter the transport vehicle until the ammonia vapors have dissipated, and the emergency response paper must indicate that the vehicle may contain ammonia vapors.

D. Transportation of Spent Bleaching Earth

DOT–SP 12134 authorizes the transportation of spent bleaching earth as a Division 4.2, solid, PG III, exempt from the provisions of the HMR, except as specifically required by the special permit. Packagings authorized under the special permit are non-specification, sift-proof dump or hopper type vehicles, and sift-proof roll-on/roll-off bulk bins. All authorized packaging must be covered by a tarpaulin, metal cover, or equivalent means during transportation. The special permit also includes specific operational controls, including: The temperature of the spent bleaching earth may not exceed 55 °C at the time it is offered for transportation and any time during transportation; drivers must be specifically trained in handling and responding to emergency incidents involving the spent bleaching earth; and transport vehicles must be marked in accordance with § 172.302(a). This special permit has been in effect since 1999 and has been utilized by at least 27 holders with an acceptable safety performance. In addition, PHMSA has no reported incidents over the past 10 years involving this special permit.

PHMSA proposes to incorporate the terms of DOT–SP 12134 into the HMR by amending the entry in the HMT for self-heating solid, organic, n.o.s. (spent bleaching earth), UN 3088, by adding a new Special Provision, B116 in Column 7. In addition, in § 172.102 new Special Provision B116 would be added in appropriate sequence specifically authorizing the use of non specification, sift-proof dump or hopper type motor vehicles, and sift-proof roll-on/roll-off bulk bins, which must be covered by a tarpaulin, metal cover, or equivalent means. The material would also be subject to operational controls including not exceeding a temperature of 55 °C (130 °F) during transportation, not exceeding a transportation time of 24 hours, and drivers transporting spent bleaching earth must be trained in the properties and hazards of the spent bleaching earth and the actions required to mitigate the self-heating properties of the material that may occur during the transportation.

E. Requalification of Non-DOT Specification Cylinders in Life-Saving Appliances

DOT–SP 12825 authorizes the transportation of life-saving appliances, self inflating, that contain non-DOT specification steel cylinders for the purpose of movement between a vessel and a U.S. Coast Guard approved inflatable life raft servicing facility in conjunction with the servicing of such life-saving appliances. Specific operational controls are specified. This special permit has been in effect since 2001 and has been utilized by at least 54 holders with acceptable safety performance. In addition, PHMSA has no reported incidents since 2001 involving this special permit.

PHMSA proposes to incorporate the terms of DOT–SP 12825 into the HMR by revising the entry in the HMT for Life-saving appliances, self inflating, UN 2990, by adding a new Special Provision 338 in Column 7. In addition, in § 172.102, new Special Provision 338 would be added in appropriate sequence requiring that Life-saving appliances, self inflating, UN 2990 being shipped between a vessel and a U.S. Coast Guard approved life raft servicing facility only be subject to the requirements of this special provision. A material meeting the requirements of the special provision would not otherwise be subject to the HMR.

F. Use of Regulated Medical Waste Containers Displaying Alternative Markings

DOT–SP 14479 authorizes the continued use of regulated medical waste containers manufactured before October 1, 2006 and marked with an alternative shipping name for UN 3291 and orientation arrows that deviate from prescribed specifications. This special permit has been in effect since 2007 and has been utilized by at least 22 holders. In addition, PHMSA has no reported incidents since 2007 involving this special permit.

PHMSA proposes to incorporate the terms of DOT–SP 14479 into the HMR by amending the entry in the HMT for Regulated Medical Waste, n.o.s., UN 3088, by adding a new Special Provision, 337 in Column 7. Special Provision 337 would allow for the use of regulated waste containers marked with the alternative shipping name of Regulated medical waste, UN 3291 and orientation arrows that deviate from the prescribed specifications in § 172.312(a)(2).

G. Incorporation of Oxygen Generator Special Permits To Harmonize With FAA Modernization and Reform Act of 2012

Section 824 of the FAA Modernization and Reform Act of 2012 includes a provision that allows for exceptions for cylinders of compressed oxygen or other oxidizing gases transported in the State of Alaska aboard aircraft. By incorporating this statutory exception into the HMR, PHMSA believes that following special permits will no longer be necessary: 14903, 14908, 15062, 15075, 15076, 15077, 15078, 15079, 15092, 15094, 15095, and 15143. These special permits all provided exceptions for the transportation of Oxygen and other Division 2.2 Oxidizing gases for transportation aboard aircraft in the state of Alaska. PHSMA proposes to incorporate the terms of these special permits in § 175.34.

H. Competent Authority CA2005120010 for Approval of Equivalent Packagings

This approval authorizes the manufacturing, marking, and selling of UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have basis weights that vary by not more than plus or minus 5% from the measured basis weight in the initial design qualification test report. This approval was issued in 2009 and has demonstrated an

acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA proposes to incorporate the terms of CA2005120010 into the HMR in § 178.516(b)(7).

I. Competent Authority CA2006060005 for Approval of Equivalent Packagings

This approval authorizes the manufacture, mark, and sale of UN5M1 and UN5M2 multi-wall paper bags with individual paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weights reported in the initial design qualification test report. This approval was issued in 2009 and has demonstrated an acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA proposes to incorporate the terms of CA2006060005 in § 178.521(b)(4).

J. Competent Authority CA2006060006 for Approval of Equivalent Packagings

This approval authorizes the manufacture, mark, and sale of UN4G combination packagings with outer fiberboard components that have individual containerboard basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design. This approval was issued in 2009 and has demonstrated an acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA proposes to incorporate the terms of CA2006060006 in § 178.516(b)(7).

K. Competent Authority CA2006010012 for Approval of Equivalent Packagings

This competent authority authorizes the manufacture, mark, and sale of UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard basis weight that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report. This approval was issued in 2006 and has demonstrated an acceptable safety performance. PHMSA has no reported incidents involving this approval. PHMSA proposes to incorporate the terms of CA2006010012 in § 178.516(b)(7).

L. Revision of § 107.709 for Renewing Approvals

PHMSA is proposing to revise this section to allow approval holders applying for a renewal to continue using their approval after the expiration date if they apply at least 60 days before the expiration date. PHMSA received a petition (P–1571) from Lawrence Bierlein that requested this change. This petition was accepted and HMR language is being proposed.

V. Rulemaking Analyses and Notices

A. Statutory/Legal Authority for This Rulemaking

This NPRM is published under the authority of 49 U.S.C. 5103(b) which authorizes the Secretary to prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce. 49 U.S.C. 5117(a) authorizes the Secretary of Transportation to issue a special permit from a regulation prescribed in 5103(b), 5104, 5110, or 5112 of the Federal Hazardous Materials Transportation Law to a person transporting, or causing to be transported, hazardous material in a way that achieves a safety level at least equal to the safety level required under the law, or consistent with the public interest, if a required safety level does not exist. The proposed rule would amend the regulations by incorporating provisions from certain widely used and longstanding special permits that have established a history of safety and which may, therefore, be converted into the regulations for general use.

B. Executive Order 12866, 13563, and DOT Regulatory Policies and Procedures

This proposed rule is considered a non-significant regulatory action under section 3(f) and was reviewed by the Office of Management and Budget (OMB). The proposed rule is considered a non-significant rule under the Regulatory Policies and Procedures order issued by the Department of Transportation [44 FR 11034]. Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review that were established in Executive Order 12866 Regulatory Planning and Review of September 30, 1993. By building off of each other, these two Executive Orders 12866 and 13563 require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.''

In this notice, PHMSA proposes to amend the HMR to incorporate alternatives this agency has permitted under widely used and longstanding special permits and approvals with established safety records that we have determined meet the safety criteria for inclusion in the HMR. Incorporation of these special permits and approvals into regulations of general applicability will provide shippers and carriers with additional flexibility to comply with established safety requirements, thereby reducing transportation costs and increasing productivity. In addition, the proposed rule would reduce the paperwork burden on industry and this agency resulting from putting an end to the need for renewal applications for special permits. Taken together, the provisions of this proposed rule would promote the continued safe transportation of hazardous materials while reducing transportation costs for the industry and administrative costs for the agency.

The impact of this proposed rule is presumed to be minor as no new costs will be imposed upon any stakeholders and those that currently hold special permits and CAs will find some relief from regulatory review for current practices. This proposed rule would make provisions that are currently approved in certain special permits available to all businesses operating in the U.S. without needing to submit party-to special permit applications to PHMSA, and current permit holders will no longer need renewals. Over the past decade, approximately 464 companies have applied for and/or renewed the special permits included in this proposal. Many of these special permits have had positive economic impacts by allowing companies to be excepted from requirements in the HMR when shipping certain quantities/types of materials or by allowing the use of less expensive non-specification packages when certain provisions are met. It is difficult to quantify the savings these special permits have allowed, but it should be noted that these savings would be extended to other firms that would make use of the provisions once adopted into regulations. PHMSA calculates that this rulemaking would result in a paperwork reduction that, on average, saves each applicant $39.50. PHMSA estimates that over a 10-year period there will be an estimated benefit total totaling $18,328 affecting approximately 140 entities. In accordance with the Federal hazardous materials law (49 U.S.C. 5101 *et seq.*), initial issuances of special permits are for two years and can be renewed for four years thereafter. Thus, over 10 years, a special permit would on average be renewed twice for a total benefit of between $43,000 and $47,000. These figures are discounted annually by 3 and 7 percent to reflect the time value of money.

This Notice also proposes to incorporate four approvals into the HMR. This would allow manufacturers

of affected hazardous materials packaging to continue manufacturing packages without the need to renew their approvals. Incorporation of the four approvals would result in a one-time total economic benefit of $158. The renewal cycle for approvals can vary based on the applicant needs and regulatory authority, but are typically renewed every five years. At both 3 and 7 percent annual discount, this yields over $270 in benefits. Total benefits represent a small but positive sum (between $46,000 and $52,000) over 10 years affecting approximately 140 entities.

C. Executive Order 13132

This proposed rule was analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). This proposed rule would preempt state, local and Indian tribe requirements but does not propose any regulation that has substantial direct effects on the states, the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of governments. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply. Federal hazardous material transportation law, 49 U.S.C. 5101–5128, contains an express preemption provision (49 U.S.C. 5125(b)) preempting state, local and Indian tribe requirements on certain covered subjects. Covered subjects are:

(1) The designation, description, and classification of hazardous materials;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials;

(3) The preparation, execution, and use of shipping documents related to hazardous materials and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials; or

(5) The designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This proposed rule addresses covered subject items (2), (3), and (5) and would preempt any State, local, or Indian tribe requirements not meeting the ''substantively the same'' standard. Federal hazardous materials transportation law provides at 49 U.S.C. 5125(b)(2) that if PHMSA issues a regulation concerning any of the covered subjects, PHMSA must determine and publish in the **Federal Register** the effective date of Federal preemption. The effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. PHMSA proposes the effective date of federal preemption will be 90 days from publication of the final rule in this matter in the **Federal Register**.

D. Executive Order 13175

This proposed rule was analyzed in accordance with the principles and criteria contained in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''). Because this proposed rule does not have tribal implications and does not impose substantial direct compliance costs on Indian tribal governments, the funding and consultation requirements of Executive Order 13175 do not apply.

E. Regulatory Flexibility Act, Executive Order 13272, and DOT Procedures and Policies

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review regulations to assess their impact on small entities. An agency must conduct a regulatory flexibility analysis unless it determines and certifies that a rule is not expected to have a significant impact on a substantial number of small entities. This proposed rule incorporates into the HMR certain widely used special permits. Incorporation of these special permits into regulations of general applicability will provide shippers and carriers with additional flexibility to comply with established safety requirements, thereby reducing transportation costs and increasing productivity. Entities affected by the proposed rule conceivably include all persons—shippers, carriers, and others—who offer and/or transport in commerce hazardous materials. The specific focus of the rule is on the incorporation of special permits into the HMR. In a review of the companies using the identified special permits, PHMSA identified a combination of small and large businesses that would be affected positively by this rulemaking. For example, the proposed rulemaking excepts certain shipments from the specific documentation requirements of the HMR; these exceptions will increase shipping options and reduce shipment costs. Overall, this proposed rule should reduce the compliance burden on the regulated industries, such as small businesses that dispose of medical waste, transporters of limited quantities of ethyl alcohol, and airlines transporting oxygen generators, without compromising transportation safety and should provide a slight positive economic benefit (i.e., reduced compliance burden) for those small entities. Therefore, we certify that this proposed rulemaking will not have a significant economic impact on a substantial number of small entities. For example, special permit 9275 will no longer require businesses to apply for a special permit in order to ship common retail items such as cosmetics that would normally be shipped as a class 3 material.

This proposed rule has been developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts of draft rules on small entities are properly considered.

F. Paperwork Reduction Act

PHMSA has an approved information collection under OMB Control Number 2137–0051, ''Rulemaking, Special Permits, and Preemption Requirements.'' This NPRM may result in a decrease in the annual burden and costs under this information collection due to proposed changes to incorporate provisions contained in certain widely used or longstanding special permits that have an established safety record.

Under the Paperwork Reduction Act of 1995, no person is required to respond to an information collection unless it has been approved by OMB and displays a valid OMB control number. Section 1320.8(d), title 5, Code of Federal Regulations requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information and recordkeeping requests.

This proposed rule identifies a revised information collection request that PHMSA will submit to OMB for approval based on the requirements in this proposed rule. PHMSA has developed burden estimates to reflect changes in this proposed rule. PHMSA estimates that the information collection and recordkeeping burden of this proposed rule is as follows:

OMB Control No. 2137–0051:

Net Decrease in Annual Number of Respondents: 434.

Net Decrease in Annual Responses: 434.

Net Decrease in Annual Burden Hours: 434.

Net Decrease in Annual Burden Costs: $17,143.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with developing, implementing, and maintaining these requirements for approval under this proposed rule.

Requests for a copy of this information collection should be directed to Deborah Boothe or T. Glenn Foster, Office of Hazardous Materials Standards (PHH–11), Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone (202) 366–8553.

Address written comments to the Dockets Unit as identified in the **ADDRESSES** section of this rulemaking. We must receive comments regarding information collection burdens prior to the close of the comment period identified in the **DATES** section of this rulemaking. In addition, you may submit comments specifically related to the information collection burden to the PHMSA Desk Officer, Office of Management and Budget, at fax number (202) 395–6974.

G. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document may be used to cross-reference this action with the Unified Agenda.

H. Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $141.3 million or more to either state, local or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

I. Environmental Assessment

The National Environmental Policy Act, 42 U.S.C. 4321–4375, requires that federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations requires federal agencies to conduct an environmental review considering (1) the need for the proposed action (2) alternatives to the proposed action (3) probable environmental impacts of the proposed action and alternatives and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b).

The Need for the Proposed Action

This Notice proposes to allow transportation of the following hazardous materials and packages in ways that vary from certain other provisions in the HMR: UN 3291 medical waste, non-DOT specification steel cylinders for use in life-saving appliances, limited quantities of liquids and solids containing ethyl alcohol, UN3077 coal tar pitch compounds, UN 3088 spent bleaching earth, UN 2672 ammonia solutions, and compressed gases with a subsidiary hazard of 5.1. These hazardous materials are capable of affecting human health and the environment if a release were to occur. However, incorporation of these special permits maintains an equivalent level of safety as provided in the special permits. These special permits have a long history of transporting the above mentioned hazardous materials safely and without any effects on the environment. Therefore, we do not anticipate any significant positive or negative impacts on the environment by incorporating these special permits into the HMR.

The need for hazardous materials to support essential services means transportation of highly hazardous materials is unavoidable. However, these shipments frequently move through densely populated or environmentally sensitive areas where the consequences of an incident could be loss of life, serious injury, or significant environmental damage. The ecosystems that also could be affected by a hazardous materials release during transportation include atmospheric, aquatic, terrestrial, and vegetal resources (for example, wildlife habitats). The adverse environmental impacts associated with releases of most hazardous materials are short-term impacts that can be greatly reduced or eliminated through prompt clean-up of the incident scene.

In all modes of transport, the potential for environmental damage or contamination exists when packages of hazardous materials are involved in transportation incidents. The special permits and approvals being proposed for incorporating into the HMR have consistently demonstrated a long history of safe use. In its review of these special permits and approval, PHMSA did not identify any incidents that had a significant effect on the environment.

Alternatives to the Proposed Action

The purpose and need of this rulemaking is to incorporate widely used special permits or those with an established safety record into the HMR for universal use. More information about benefits of this final rulemaking action can be found in the preamble (i.e., ''Overview of Proposed Amendments) to this rulemaking. The alternatives considered in the analysis include (1) the proposed action, that is, incorporation of the proposed special permits as amendments to the HMR; (2) incorporation of some subset of the proposed special permits (i.e., only some of the proposed special permits) as amendments to the HMR; and (3) the ''no action'' alternative, meaning that none of the proposed special permits would be incorporated into the HMR.

Analysis of the Alternatives

(1) Incorporate All Special Permits

There are no significant environmental impacts associated with the proposals in this NPRM. We are proposing clarifications and changes to certain HMR requirements to include methods for packaging, describing, and transporting hazardous materials that are currently permitted under widely used special permits with established safety records for inclusion in the HMR. The process through which safety permits are issued requires the applicant to demonstrate that the alternative transportation method or packaging proposed provides an equivalent level of safety as that provided in the HMR. Implicit in this process is that the special permit must provide an equivalent level of environmental protection as that provided in the HMR. Thus, incorporation of the special permits as regulations of general applicability maintain the existing environmental protections built into the HMR.

(2) Incorporation of a Subset of Special Permits

Same as alternative 1.

(3) No Action

If no action is taken then Special Permits will continue to be issued resulting in no change to the current potential affects to the environment.

Comments From Agencies and Public

PHMSA solicits comments about potential environmental impacts associated with this rulemaking from other agencies, stakeholders, and citizens.

J. Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the

comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477–78), or at *http://www.regulations.gov.*

K. Executive Order 13609 and International Trade Analysis

Under E.O. 13609, agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we have assessed the effects of the proposed rule to ensure that it does not cause unnecessary obstacles to foreign trade. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 175

Hazardous materials transportation, Air carriers, Incorporation by reference, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Incorporation by reference, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, we are proposing to amend 49 CFR chapter I as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; Pub. L. 101–410 section 4 (28 U.S.C. 2461 note); Pub. L. 104–121 sections 212–213; Pub. L. 104–134 section 31001; 49 CFR 1.45, 1.53.

2. In § 107.709, paragraph (g) is added to read as follows:

§ 107.709 Processing of an application for approval, including an application for renewal or modification.

* * * * *

(g) If, at least 60 days before an existing approval expires the holder files an application for renewal that is complete and conforms to the requirements of this section, the approval will not expire until final administrative action on the application for renewal has been taken.

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 44701; 49 CFR 1.53.

4. In § 172.101, in the Hazardous Materials Table, the following entries are revised:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or division	Identification Nos.	PG	Label Codes	Special provisions (§ 172.102)	(8) Packaging (§ 173.***)			(9) Quantity limitations (see §§ 173.27 and 175.75)		(10) Vessel stowage	
							Exception	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only	Location	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
	Ammonia solutions, *relative density between 0.880 and 0.957 at 15 degrees C in water, with more than 10 percent but not more than 35 percent ammonia.*	*8*	UN2672	III	8	336, IB3, IP8, T7, TP1	154	203	241	5L	60L	A	40, 52, 85
		*		*	*	*	*		*	*			
	Environmentally hazardous substances, solid, n.o.s..	9	UN3077	III	9	8, 146, A11, B54, IB8, IP3, N20, T1, TP33, N91.	155	213	240	No Limit	No Limit	A	
		*		*	*	*	*		*	*			
	Life-saving appliances, self inflating.	9	UN2990		None	338	None	219	None	No limit	No limit	A	

*	*	*	*	*	*	*	*						
Regulated medical waste, n.o.s. or Clinical waste, unspecified, n.o.s. or (BIO) Medical waste, n.o.s., or Bio-medical waste, n.o.s. or Medical waste, n.o.s..	6.2	UN3291	II	6.2	41, A13, 337	134	197	197	No limit	No limit	B	40	
*	*	*	*	*	*	*	*						
Self-heating solid, organic, n.o.s..	4.2	UN3088	III	4.2	IB6, IP2, B116, N91, T3, TP33.	None	212	241	15kg	50kg	C		
*	*	*	*	*	*	*							

* * * * *

5. In § 172.102:

a. In paragraph (c)(1), special provisions 336, 337, and 338 are added;

b. In paragraph (c)(3), special provision B116 is added; and

c. In paragraph (c)(5), special provision N91 is added.

The additions read as follows:

§ 172.102 Special provisions.

* * * * *

(c) * * *

(1) * * *

Code/Special Provisions

* * * * *

336 The use of UN1H1 drums, UN3H1 jerricans, and UN6HA1 composite packagings which meet the requirements of Part 178 of the HMR at the Packing Group I or II performance level except that the packagings are not required to meet the venting requirements in § 173.24(g) and the hydrostatic pressure test marking specified in § 173.24a(b)(4) is required. Shipment of packages under this special provision must be made by private or contract motor carrier. Transportation of these packages also requires the door of each van trailer to be marked with ''Warning trailer may contain chemical vapor. Do not enter until vapors have dissipated.'' The driver of the transport vehicle and the consignee(s) must be trained not to enter the transport vehicle until the ammonia vapors have dissipated, and the emergency response paper must indicate that the vehicle contains ammonia vapors. Transport vehicles must be vented to prevent accumulation of vapors at a poisonous or flammable concentration.

337 Authorizes the use of regulated waste containers marked with the alternative shipping name of Regulated medical waste, UN3291 and orientation arrows that deviate from the prescribed specifications in § 172.312(a)(2).

338 Life Saving appliances, self inflating, transported between a U.S. Coast Guard approved inflatable life raft servicing facility and a vessel are only subject to the following requirements:

a. Prior to repacking into the life-saving appliance, an installed inflation cylinder must successfully meet and pass all inspection and test criteria and standards of the raft manufacturer and the vessel Flag State requirements for cylinders installed as part of life-saving appliances, self inflation (UN2990) used on marine vessels. Additionally each cylinder must be visually inspected in accordance with CGA pamphlet, CGA C–6. A current copy of CGA pamphlet, CGA C–6 must be available at the facility servicing the life-saving appliance.

b. An installed inflation cylinder that requires recharging must be filled in accordance with § 173.301(l).

c. Every installed inflation cylinder, as associated equipment of the life-saving appliance, must be packed within the protective packaging of the life raft and the life raft itself must otherwise be in compliance with § 173.219.

d. The serial number for each cylinder must be recorded as part of the life-saving appliance service record by the U.S. Coast Guard-approved servicing facility.

* * * * *

(3) * * *

B116 The use of non specification, sift-proof dump or hopper type vehicles, and sift-proof roll-on/roll-off bulk bins, which must be covered by a tarpaulin, metal cover, or equivalent means is authorized for the transportation of spent bleaching earth by motor vehicle. The material is also subject to operational controls which include not exceeding a temperature of 55 °C (130 °F) at the time it is offered or during transportation, not exceeding a transportation time of 24 hours, and drivers transporting spent bleaching earth must be trained in the properties and hazards of the spent bleaching earth.

* * * * *

(5) * * *

N91 The use of a non specification sift-proof, non-bulk, metal can with or without lid, or a non specification sift-proof, non-bulk fiber drum, with or without lid is authorized when transporting coal tar pitch compounds by motor vehicle or rail freight. The fiber drum must to be fabricated with a three ply wall, as a minimum. The coal tar pitch compound must be in a solid mass during transportation.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

6. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45, 1.53.

7. In § 173.151, paragraph (g) is added to read as follows.

§ 173.150 Exceptions for Class 3 (flammable and combustible liquids).

* * * * *

(g) *Limited quantities of ethyl alcohol.* (1) Consumer products containing not more than 70% ethyl alcohol are excepted from the HMR provided that:

(i) For non-glass inner packagings the volume cannot exceed 1 gallon in capacity;

(ii) For glass inner packagings the volume cannot exceed 16 ounces in capacity;

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 192 fluid ounces. The net solid contents of all inner packagings in any single outer packaging may not exceed 32 pounds. The gross weight of any single outer package shipped may not exceed 65 pounds; and

(iv) Packages must be marked with the company name and the words ''Contains Ethyl Alcohol'';

(2) Consumer products containing more than 70% ethyl alcohol are excepted from the HMR provided that:

(i) For inner packagings the volume cannot exceed 8 fluid ounces in capacity;

(ii) Solids are not packed in inner packagings exceeding ½ pound in weight;

(iii) The net liquid contents of all inner packagings in any single outer packaging may not exceed 192 fluid ounces. The net solid contents of all inner packagings in any single outer packaging may not exceed 32 pounds. The gross weight of any single outer package shipped may not exceed 65 pounds; and

(iv) Packages must be marked with the company name and the words ''Contains Ethyl Alcohol'';

(3) For transportation by passenger or cargo aircraft, no outer package may be transported which contains an inner packaging exceeding:

(i) 16 fluid ounces of flammable liquid, or

(ii) 1 pound of solids containing flammable liquid.

PART 175—CARRIAGE BY AIRCRAFT

8. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.45 and 1.53.

9. Add § 175.34 to read as follows:

§ 175.34 Exceptions for cylinders of compressed oxygen or other oxidizing gases transported within the State of Alaska.

(a) When transported in the State of Alaska, cylinders of compressed oxygen or other oxidizing gases aboard aircraft are excepted from all the requirements of § 173.302(f)(3) through (5) and § 173.304(f)(3) through (5) of this subchapter subject to the following conditions:

(1) Transportation of the cylinders by a ground-based or water-based mode of

transportation is unavailable and transportation by aircraft is the only practical means for transporting the cylinders to their destination;

(2) Each cylinder is fully covered with a fire or flame resistant blanket that is secured in place; and

(3) The operator of the aircraft complies with the applicable notification procedures under § 175.33.

(b) Aircraft restrictions: This exception only applies to the following types of aircraft:

(1) Cargo-only aircraft transporting the cylinders to a delivery destination that receives cargo-only service at least once a week.

(2) Passenger and cargo-only aircraft transporting the cylinders to a delivery destination that does not receive cargo only service once a week.

PART 178—SPECIFICATIONS FOR PACKAGINGS

10. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5128; 49 CFR 1.53.

11. In § 178.516, add paragraph (b)(7) to read as follows:

§ 178.516 Standards for fiberboard boxes.

* * * * *

(b) * * *

(7) Authorization to manufacture, mark, and sell UN4G combination packagings with outer fiberboard boxes and with inner fiberboard components that have individual containerboard or paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

12. In § 178.521, add paragraph (b)(4) to read as follows:

§ 178.521 Standards for paper bags.

* * * * *

(b) * * *

(4) UN5M1 and UN5M2 multi wall paper bags that have paper wall basis weights that vary by not more than plus or minus 5% from the nominal basis weight reported in the initial design qualification test report.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2012–25853 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register

Vol. 77, No. 204

Monday, October 22, 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

Submission for OMB Review; Comment Request

October 16, 2012.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Grain Inspection, Packers and Stockyard Administration

Title: Survey of Customers of the Official Grain Inspection and Weighing System.

OMB Control Number: 0580–0018.

Summary of Collection: The United States Grain Standards Act, as amended (7 U.S.C. 71–87) (USGSA), and the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627) (AMA), authorizes the Secretary of the United States Department of Agriculture to establish official inspection, grading, and weighing programs for grains and other agricultural commodities. Under the USGSA and AMA, Grain Inspection, the Packers and Stockyard Administration's (GIPSA) Federal Grain Inspection Service (FGIS) offers inspecting, weighing, grading, quality assurance, and certification services for a user-fee to facilitate the efficient marketing of grain, oilseeds, rice, lentils, dry peas, edible beans, and related agricultural commodities in the global marketplace. The goal of FGIS and the official inspection, grading, and weighing system is to provide timely, high-quality, accurate, consistent, and professional services that facilitates the orderly marketing of grain and related commodities. FGIS will collect information using a survey.

Need and Use of the Information: FGIS is seeking feedback from customers to evaluate the services provided by the official inspection, grading, and weighing programs. FGIS will collect information to determine where and to what extent services are satisfactory, and where and to what extent they can be improved. The information will be shared with other managers and program leaders who will be responsible for making any necessary improvements at the office/agency, program, and project level.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 1,100.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 113.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2012–25967 Filed 10–19–12; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Conference on International Trade Issues Facing U.S. Machinery Manufacturing Industries

AGENCY: Manufacturing and Services, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On December 4, 2012 the Office of Transportation and Machinery will hold a one-day conference on bi-lateral and multi-lateral international trade issues impacting the U.S. machinery manufacturing industries, with emphasis on tariff and non-tariff barriers to trade and global market access.

DATES: Tuesday, December 4, 2012.

ADDRESSES: International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Forrest Nielsen, Machinery Team, Manufacturing and Services, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5784, Email *Forrest.Nielsen@trade.gov*.

SUPPLEMENTARY INFORMATION: Machinery manufacturing is one of the largest and most competitive sectors of the American manufacturing economy. The United States is the world's third-largest supplier of capital equipment, exporting more than $160 billion in 2011.

The economic impact of machinery manufacturing extends throughout the American economy. Machinery industries provide essential and highly sophisticated technology for many other manufacturing and service industries. Process control and other automation technologies enable end-users to maximize the productivity of their equipment. Sales of many types of machinery are accompanied by a variety of high-value services, as well,

including specialized architecture, engineering, and logistics. Machinery manufacturing industries employ more than one million American workers in well-compensated trades and professions.

The Office of Transportation and Machinery (OTM) has been working for several months to identify significant trade barriers facing U.S. machinery manufacturer exporters in foreign market destinations. OTM strives to provide senior U.S. Government policy-makers with well-informed policy analysis for use in expanding international markets across the broad range of U.S. machinery exports. OTM will hold a one-day conference to conduct a dialog and review with our private-sector stakeholders what we have learned and further refine our understanding of the market access challenges they face.

Dated: Tuesday, October 16, 2012.

Thomas Sobotta,

Acting Office Director—MAS Office of Transportation & Machinery.

[FR Doc. 2012–25930 Filed 10–19–12; 8:45 am]

BILLING CODE 3570–DR–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 121010534–2534–01]

Annual Retail Trade Survey

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of determination.

SUMMARY: The U.S. Department of Commerce's Bureau of the Census (Census Bureau) publishes this notice to announce that the Director of the Census Bureau has determined the need to conduct the 2012 Annual Retail Trade Survey (ARTS). ARTS covers employer firms with establishments located in the United States and classified in the Retail Trade and/or Accommodation and Food Services sectors as defined by the 2007 North American Industry Classification System (NAICS). Through this survey, the Census Bureau will collect data covering annual sales, annual e-commerce sales, year-end inventories held inside and outside the United States, total and detailed operating expenses, purchases, accounts receivables, and, for selected industries, merchandise line sales, and percent of e-commerce sales to customers located outside the United States. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies. Results will be available for use for a variety of public and business needs such as economic and market analysis, company performance, and forecasting future demand. The Census Bureau conducts the ARTS to provide continuing and timely national statistical data on retail trade, and accommodation and food services activity annually. The 2012 ARTS is a separate collection and is not part of 2012 Economic Census.

ADDRESSES: The Census Bureau will provide report forms to businesses included in the survey. Additional copies are available upon written request to the Director, U.S. Census Bureau, Washington, DC 20233–0101.

FOR FURTHER INFORMATION CONTACT: Aneta Erdie, Service Sector Statistics Division, at (301) 763–4841 or by email at *aneta.erdie@census.gov.*

SUPPLEMENTARY INFORMATION: Sections 182, 224, and 225 of Title 13 of the United States Code (U.S.C.) authorize the Census Bureau to take surveys that are necessary to produce current data on the subjects covered by the major censuses. As part of this authorization, the Census Bureau conducts the ARTS to provide continuing and timely national statistical data on retail trade, and accommodation and food services activity for the period between economic censuses and, for this year, during the economic census. ARTS is a continuation of similar retail trade surveys conducted each year since 1951 (except 1954). ARTS covers employer firms with establishments located in the United States and classified in the Retail Trade and/or Accommodation and Food Services sectors as defined by the 2007 North American Industry Classification System (NAICS). ARTS provides, on a comparable classification basis, annual sales, annual e-commerce sales, purchases, total and detailed operating expenses, accounts receivables, and year-end inventories held inside and outside the United States for 2012. The Census Bureau has determined that the conduct of this survey is necessary because these data are not available publicly on a timely basis from any other sources.

For the 2012 ARTS, we will request data on detailed operating expenses that were previously requested under a separate supplemental mailing (conducted every five years). The last supplemental mailing was conducted for the 2007 ARTS under OMB Control Number 0607–0942. While the retail portion of that program will be collapsed into the ARTS, we will continue to ask only the additional detailed expense questions every five years.

Firms are selected for the ARTS using a stratified random sample based on industry groupings and annual sales size. We will provide report forms to the firms covered by this survey in February 2013, and will require their responses within 50 days after receipt. Firms' responses to the ARTS are required by law (Title 13 U.S.C. Sections 182, 224, and 225). The sample of firms selected will provide, with measurable reliability, statistics on annual sales, annual e-commerce sales, purchases, total and detailed operating expenses, accounts receivables, and year-end inventories held both inside and outside the United States for 2012.

The data collected in this survey be similar to that collected in the past and within the general scope and nature of those inquiries covered in the economic census. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies. Results will be available for use for a variety of public and business needs including economic and market analysis, company performance, and forecasting future demand.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a current valid Office of Management and Budget (OMB) control number. In accordance with the PRA, 44 U.S.C. §§ 3501–3521, OMB has approved the Annual Retail Trade Survey under OMB Control Number 0607–0013.

Based upon the foregoing, I have directed that an annual survey be conducted for the purpose of collecting these data.

Dated: October 16, 2012.

Thomas L. Mesenbourg, Jr.,

Acting Director, Bureau of the Census.

[FR Doc. 2012–25909 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1851]

Grant of Authority; Establishment of a Foreign-Trade Zone Under the Alternative Site Framework; West Tennessee Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as

amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (74 FR 1170–1173, 01/12/2009; correction 74 FR 3987, 01/22/2009; 75 FR 71069–71070, 11/22/2010) as an option for the establishment or reorganization of general-purpose zones;

Whereas, the Northwest Tennessee Regional Port Authority (the Grantee) has made application to the Board (Docket 59–2011, filed 9/29/2011) requesting the establishment of a foreign-trade zone under the ASF with a service area of Dyer, Gibson, Haywood, Lake, Lauderdale, Madison, Obion and Tipton Counties, Tennessee, adjacent to the Memphis U.S. Customs and Border Protection port of entry, and proposed Sites 1, 2, 3, 4, 5, 6, 7, 8 (excluding 20 acres recommended for approval as Site 10) and 9 would be categorized as magnet sites and Site 10 would be categorized as a usage-driven site;

Whereas, notice inviting public comment has been given in the **Federal Register** (76 FR 61667–61668, 10/05/2011) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records as Foreign-Trade Zone No. 283, as described in the application and examiner's report, and subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone, to an ASF sunset provision for magnet sites that would terminate authority for Sites 2, 3, 4, 6, 7, 8 and 9 if not activated within five years from the date of approval and for Site 5 if not activated within ten years from the date of approval, and to an ASF sunset provision for usage-driven sites that would terminate authority for Site 10 if no foreign-status merchandise is admitted for a *bona fide* customs purpose within three years from date of approval.

Signed at Washington, DC, this 11th day of October 2012.

Rebecca Blank,

Acting Secretary of Commerce, Chairman and Executive Officer,Foreign-Trade Zones Board.

Attest:

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2012–25976 Filed 10–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee

Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on November 7 and 8, 2012, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, D. C. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, November 7

Open Session

1. Welcome and Introductions.
2. Working Group Reports.
3. Industry Presentation: Performance and Aggregation in Category 4.
4. Industry Presentation: Graphics Processors Roadmap.
5. Industry Presentation: Proposal for 4A003.
6. Industry Presentation: Issues for Category 5p2.
7. New Business.

Thursday, November 8

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov*, no later than October 31, 2012.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 7, 2011, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (l0)(d))), that the portion of the meeting concerning trade secrets and commercial or financial information deemed privileged or confidential as described in 5 U.S.C. 552b(c)(4) and the portion of the meeting concerning matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 D.S.C. app. 2 §§ 10(a)(1) and l0(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202)482–2813.

Dated: October 15, 2012.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2012–25883 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–801]

Solid Urea From the Russian Federation: Antidumping Duty Administrative Review; 2010–2011

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 18, 2012, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on solid urea from the Russian Federation (Russia). The period of review is July 1, 2010, through June 30, 2011. We gave interested parties an opportunity to comment on the preliminary results, but we received no comments. The final weighted-average

dumping margin for MCC EuroChem is listed below in the ''Final Results of the Review'' section of this notice.

DATES: Effective October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Dustin Ross or Minoo Hatten, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0747 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 18, 2012, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on solid urea from Russia. *See Solid Urea From the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 77 FR 42273 (July 18, 2012) (*Preliminary Results*). We invited interested parties to comment on the *Preliminary Results,* but we received no comments. The Department has conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is solid urea, a high-nitrogen content fertilizer which is produced by reacting ammonia with carbon dioxide. The product is currently classified under the Harmonized Tariff Schedules of the United States (HTSUS) item number 3102.10.00.00. Such merchandise was classified previously under item number 480.3000 of the Tariff Schedules of the United States. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Final Results of the Review

We have made no changes to our calculations announced in the *Preliminary Results.* As a result of our review, we determine that a weighted-average dumping margin of 0.00 percent exists for MCC EuroChem for the period July 1, 2010, through June 30, 2011.

Assessment Rates

In accordance with the *Final Modification,* we will instruct U.S. Customs and Border Protection (CBP) to liquidate the reviews entries without regard to antidumping duties.[1]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the period of review produced by MCC EuroChem for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice for all shipments of solid urea from Russia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for MCC EuroChem will be 0.00 percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or previous reviews, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 64.93 percent, the all-others rate established in the LTFV investigation. *See Urea From the Union of Soviet Socialist Republics; Final Determination of Sales at Less Than Fair Value,* 52 FR 19557, 19561 (May 26, 1987). Following the break-up of the Soviet Union, the antidumping duty order on solid urea from the Soviet Union was transferred to the individual members of the Commonwealth of Independent States. *See Solid Urea From the Union of Soviet Socialist Republics; Transfer of the Antidumping Order on Solid Urea From the Union of Soviet Socialist Republics to the Commonwealth of Independent States and the Baltic States and Opportunity to Comment,* 57 FR 28828 (June 29, 1992). The rate established in the LTFV investigation for the Soviet Union was applied to each new independent state, including Russia. These cash deposit requirements shall remain in effect until further notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–25973 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification*).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–520–806]

Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Final Affirmative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') determines that countervailable subsidies are being provided to producers and exporters of circular welded carbon-quality steel pipe (''circular welded pipe'') from the United Arab Emirates (''UAE'').

DATES: Effective October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Joshua Morris or Dustin Ross, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1779 or (202) 482–0747, respectively.

Petitioners

The petitioners in this investigation are Allied Tube and Conduit, JMC Steel Group, United States Steel Corporation, and Wheatland Tube Corporation (''Wheatland Tube'').

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2010, through December 31, 2010.

Case History

The following events have occurred since the *Preliminary Determination.*[1]

The Department conducted verification of the Government of the UAE's (''GUAE''), Universal Tube and Plastic Industries, Ltd., KHK Scaffolding and Formwork LLC, and Universal Tube and Pipe Industries LLC (collectively ''Universal''), and Abu Dhabi Metal Pipes & Profiles Industries Complex LLC and Alita Trading DMCC's (collectively ''ADPICO'') questionnaire responses from June 19, through June 28, 2012, and issued verification reports on August 16 (GUAE), August 21 (ADPICO), and August 22, 2012 (Universal).

The GUAE, Universal, and Wheatland Tube submitted case briefs on August 30, 2012. ADPICO submitted a rebuttal brief on September 5, and the GUAE, Universal, and Wheatland Tube submitted rebuttal briefs on September 6, 2012.

On September 20, 2012, the Department issued a post-preliminary analysis memorandum. *See* Memorandum to Paul Piquado, Assistant Secretary for Import Administration, ''Countervailing Duty Investigation of Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Post-Preliminary Analysis Memorandum,'' (September 20, 2012) (''Post-Prelim''). On September 26, 2012, the Department received affirmative briefs on the issues addressed in the Post-Prelim from the GUAE, Universal, and Wheatland Tube. On October 1, 2012, the Department received an affirmative brief from ADPICO. On October 2, 2012, the Department received rebuttal briefs from ADPICO, the GUAE, Universal, and Wheatland Tube.

Scope Comments

In accordance with the preamble to the Department's regulations, we set aside a period of time in our initiation notice for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice.[2] As described in the *Preliminary Determination,* SeAH Steel VINA Corp. (''SeAH VINA'') filed comments on December 5, 2011, urging the Department to modify the scope description. No further comments on this issue were received.

For the reasons explained in the *Preliminary Determination,* the Department is not adopting SeAH VINA's proposed modification of the scope.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (''O.D.'') not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (''ASTM''), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (''API'') API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: Is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding[3]; (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded

[1] *See Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 77 FR 19219 (March 30, 2012) (''*Preliminary Determination*'').

[2] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997), and *See Circular Welded Carbon-Quality Steel Pipe From India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 76 FR 72173 (November 22, 2011).

[3] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
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1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
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1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the investigation is dispositive.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised by parties to this investigation in the case and rebuttal briefs, as well as the Post-Prelim related case and rebuttal briefs, are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, entitled ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates'' (October 15, 2012) (hereafter, ''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties have raised and to which we have responded in the Decision Memorandum. This Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Use of Adverse Facts Available

For purposes of this final determination, we have relied in part on facts available and have drawn an adverse inference with respect to the facts available, in accordance with sections 776(a) and (b) of the the Tariff Act of 1930, as amended (''the Act''), to determine the subsidy rates for one of the mandatory respondents. For a full discussion of these issues, *see* the Decision Memorandum, at ''Use of Facts Otherwise Available and Adverse Inferences.''

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we have calculated an individual countervailable subsidy rate for each respondent. Section 705(c)(5)(A)(i) of the Act states that for companies not individually investigated, we will determine an all-others rate equal to the weighted average of the countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates based entirely on adverse facts available under section 776 of the Act. Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all-others'' rate by weight averaging the rates of ADPICO and Universal, because doing so risks disclosure of proprietary information. Therefore, for the all-others rate, we have calculated a simple average of the two responding firms' rates.

On this basis, we determine the total net countervailable subsidy rates to be:

Exporter/manufacturer	Net subsidy rate (percent)
Abu Dhabi Metal Pipes & Profiles Industries Complex LLC; Alita Trading DMCC	6.17
Universal Tube and Plastic Industries, Ltd.; KHK Scaffolding and Formwork LLC; Universal Tube and Pipe Industries LLC	2.06
All-Others	4.12

In accordance with section 705(c)(1)(C) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of circular welded pipe from the UAE that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register,** and to require a cash deposit or bond for such entries of merchandise in the amounts indicated above.

If the United States International Trade Commission (''ITC'') issues a final affirmative injury determination, we will issue a countervailing duty order

pursuant to section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated deposits or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (''APO''), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

A. Tariff Exemptions on Imported Equipment, Machinery, Materials, and Packaging Materials Under the Federal Law of 1979 and/or GCC Industrial Law

Comment 1 *De Jure* Specificity of Tariff Exemptions
Comment 2 Tariff Exemptions as Export Subsidies
Comment 3 Application of AFA Due To the GUAE's Failure to Provide Industry Usage Data
Comment 4 Countervailability of Alita's Tariff Exemptions

B. Subsidies Within the Jebel Ali Free Zone

Comment 5 Scope of the Tariff Exemptions Program: UAE Customs Territory and the JAFZ
Comment 6 Regional Specificity of Tariff Exemptions in the JAFZ
Comment 7 Application of Facts Available to Universal Plastic Due to Non-Cooperation Regarding Subsidies in the JAFZ

C. The GUAE's Provision of Natural Gas for LTAR

Comment 8 Scope of the Investigation of the GUAE's Provision of Natural Gas for LTAR
Comment 9 Whether the Department Should Delay its Finding or Apply AFA Due to Non-Cooperation for the Provision of Natural Gas for LTAR

D. Other Programs

Comment 10 Non-Existence of Alleged Programs Under the Federal Law of 1979 and/or the GCC Industrial Law

[FR Doc. 2012–25966 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–853]

Circular Welded Carbon-Quality Steel Pipe From India: Final Affirmative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the ''Department'') has determined that countervailable subsidies are being provided to producers and exporters of circular welded carbon-quality steel pipe (''circular welded pipe'') from India. For information on the estimated countervailing duty rates, *see* the ''Suspension of Liquidation'' section, below.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Shane Subler, Thomas Schauer, or David Layton, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0189, (202) 482–0410, and (202) 482–0371, respectively.

Petitioners

The petitioners in this investigation are Allied Tube and Conduit, JMC Steel Group, United States Steel Corporation, and Wheatland Tube Corporation (''Wheatland'') (collectively, ''Petitioners'').

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is April 1, 2010, through March 31, 2011.

Case History

The following events have occurred since the publication of the preliminary determination.[1]

We received a case brief from the Government of India (''GOI'') on May 21, 2012. Wheatland submitted a rebuttal brief on May 29, 2012.

Zenith Birla (India) Ltd. (''Zenith'') submitted a case brief on May 23, 2012. We rejected Zenith's case brief and removed it from the record because it contained new factual information. We requested that Zenith re-submit its case brief without the new factual information.[2] Zenith did not re-submit its case brief. Accordingly, we did not consider the arguments Zenith made in the case brief we rejected and removed from the record of this investigation.

The GOI and Wheatland each requested a hearing on April 30, 2012. We held the hearing on August 6, 2012.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (''O.D.'') not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (''ASTM''), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;

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[1] *See Circular Welded Carbon-Quality Steel Pipe From India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 77 FR 19192 (March 30, 2012) (''*Preliminary Determination*'').

[2] *See* letter from Susan Kuhbach to Zenith dated May 24, 2012, and Memorandum from David Layton to File dated May 24, 2012.

(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (''API'') API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: Is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding;[3] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
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1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
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2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
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2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the investigation is dispositive.

Scope Comments

In accordance with the preamble to the Department's regulations, we set aside a period of time in our initiation notice for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice.[4] As described in the *Preliminary Determination,* SeAH Steel VINA Corp. (''SeAH VINA'') filed comments on December 5, 2011, urging the Department to modify the scope description. No further comments on this issue were received. For the reasons explained in the *Preliminary Determination,* the Department is not adopting SeAH VINA's proposed modification of the scope.

Injury Test

Because India is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Tariff Act of 1930, as amended (the ''Act''), section 701(a)(2) of the Act applies to this investigation. Accordingly, the U.S. International Trade Commission (''ITC'') must determine whether imports of the subject merchandise from India materially injure, or threaten material injury to, a U.S. industry. On December 16, 2011, the ITC published its affirmative preliminary determination that there is a reasonable indication that

[3] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

[4] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997), and *Circular Welded Carbon-Quality Steel Pipe From India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 76 FR 72173 (November 22, 2011).

an industry in the United States is materially injured by reason of allegedly subsidized imports of circular welded pipe from India.[5]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, entitled ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from India'' (October 15, 2012) (hereafter ''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties have raised and to which we have responded in the Decision Memorandum. This Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit (''CRU''), room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Use of Adverse Facts Available

For purposes of this final determination, we have continued to rely on facts available and to draw an adverse inference, in accordance with sections 776(a) and (b) of the Act, to determine the subsidy rates for the mandatory respondents. For a full discussion of these issues, *see* the Decision Memorandum, at ''Use of Facts Otherwise Available and Adverse Facts Available.''

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we have calculated individual rates for each producer/exporter of the subject merchandise individually investigated. With respect to the all-others rate, section 705(c)(5)(A)(ii) of the Act provides that if the countervailable subsidy rates established for all exporters and producers individually investigated are determined entirely in accordance with section 776 of the Act, the Department may use any reasonable method to establish an all-others rate for exporters and producers not individually investigated. The Court of International Trade recently concluded that the statute permits the Department to use mandatory respondents' AFA rates in the calculation of the all-others rate.[6] The Court found this methodology reasonable. In this case, the rate calculated for both of the investigated companies is based entirely on facts available under section 776 of the Act. There is no other information on the record upon which to determine an all-others rate. As a result, we have used the adverse facts available (''AFA'') rate assigned for Lloyds Metals and Engineers Ltd. and Zenith as the all-others rate. This method is consistent with the Department's past practice.[7]

We determine the total countervailable subsidy rates to be as follows.

Exporter/manufacturer	Net subsidy rate
Lloyds Metals and Engineers Ltd.	285.95
Zenith Birla (India) Ltd.	285.95
All Others	285.95

As a result of our *Preliminary Determination,* we instructed U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of circular welded pipe from India which were entered or withdrawn from warehouse for consumption on or after March 30, 2012, the date of the publication of the *Preliminary Determination* in the **Federal Register,** and to collect cash deposits or bonds in the amount of the preliminary countervailing duty rates. In accordance with section 703(d) of the Act, we later issued instructions to CBP to discontinue the suspension of liquidation for countervailing duty purposes for subject merchandise entered or withdrawn from warehouse on or after July 28, 2012, but to continue the suspension of liquidation of all entries from March 30, 2012 through July 27, 2012.

We will issue a countervailing duty order and reinstate the suspension of liquidation under section 706(a) of the Act if the U.S. International Trade Commission (''ITC'') issues a final affirmative injury determination, and will require a cash deposit of estimated countervailing duties for such entries in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated deposits or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an APO, without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an administrative protective order (''APO'') of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Comment 1 Whether the GOI Cooperated to the Best of Its Ability and Should Not Be Subject to the AFA Rate that the Department Preliminarily Applied

[5] *See Circular Welded Carbon-Quality Steel Pipe From India, Oman, the United Arab Emirates, and Vietnam; Determinations,* 76 FR 78313 (December 16, 2011) and *Investigation Nos. 701–TA–482–485 and 731–TA–1191–1194 (Preliminary)* (December 12, 2011).

[6] *See MacLean-Fogg Co.* v *United States,* 836 F. Supp. 2d 1267, 1374–1375 (Ct. Int'l Trade 2012).

[7] *See, e.g., Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Argentina,* 66 FR 37007, 37008 (July 16, 2001); *see also Final Affirmative Countervailing Duty Determination: Prestressed Concrete Steel Wire Strand From India,* 68 FR 68356 (December 8, 2003).

Comment 2 Whether the Application of the AFA Standard Is Inconsistent with Article 12.7 of ASCM
Comment 3 Whether the Department's Application of AFA With Respect to Provision of Hot-Rolled Steel by SAIL For LTAR Was Justified
Comment 4 Whether the Department's Application of AFA With Respect to Provision of Land For LTAR Was Justified
Comment 5 Whether the Department Erred in Calculating the Subsidy Rate It Assigned in the Preliminary Determination

[FR Doc. 2012–25970 Filed 10–19–12; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–810]

Circular Welded Carbon-Quality Steel Pipe From the Socialist Republic of Vietnam: Final Negative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') determines that countervailable subsidies are not being provided to producers and exporters of circular welded carbon-quality steel pipe (''circular welded pipe'') from the Socialist Republic of Vietnam (''Vietnam'').

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Christopher Siepmann or Austin Redington, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7958 or (202) 482–1664, respectively.

Petitioners

The petitioners in this investigation are Allied Tube and Conduit, JMC Steel Group, United States Steel Corporation, and Wheatland Tube.

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2010, through December 31, 2010.

Case History

The following events have occurred since the *Preliminary Determination.*[1]

On April 13, 2012, the Department issued supplemental questionnaires to the Government of Vietnam (''GOV''), SeAH Steel VINA Corp. (''SeAH VINA''), and Vietnam Haiphong Hongyuan Machinery Manufactory Co., Ltd. (''Hongyuan''). Timely responses were received on April 20 (Hongyuan), April 27 (Hongyuan), and April 27, and May 7, 2012 (GOV). On May 4, 2012, the Department issued an additional supplemental questionnaire to the GOV, and it received the GOV's response on May 7, 2012.

We received factual information submissions from the GOV and Wheatland Tube, respectively, on May 9 and May 14, 2012. On May 10, 2012, Hongyuan filed corrections to its previously reported data and also submitted additional factual information. On May 14, 2012, SeAH VINA submitted corrections to its previously reported data.

The Department conducted verification of SeAH VINA's, Hongyuan's, and the GOV's questionnaire responses from May 21, to June 1, 2012, and issued verification reports for SeAH VINA and Hongyuan on July 6, 2012, and for the GOV on July 12, 2012.

The GOV, SeAH VINA, Hongyuan, and Wheatland Tube submitted case briefs on August 3, and rebuttal briefs on August 8, 2012. A public hearing was held on September 7, 2012.

Scope Comments

We set aside a period of time in our *Initiation Notice* for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice.[2] As described in the *Preliminary Determination,* SeAH VINA filed comments on December 5, 2011, urging the Department to modify the scope description. No further comments on this issue were received.

For the reasons explained in the *Preliminary Determination,* the Department is not adopting SeAH VINA's proposed modification of the scope.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (''O.D.'') not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (''ASTM''), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (''API'') API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

[1] *See Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 77 FR 19211 (March 30, 2012) (''*Preliminary Determination*'').

[2] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997), and *Circular Welded Carbon-Quality Steel Pipe From India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 76 FR 72173 (November 22, 2011).

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding [3]; (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
1.660 inch O.D. and 0.055 inch wall thickness (gage 17)
1.660 inch O.D. and 0.065 inch wall thickness (gage 16)
1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
1.660 inch O.D. and 0.083 inch wall thickness (gage 14)
1.660 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
1.900 inch O.D. and 0.055 inch wall thickness (gage 17)
1.900 inch O.D. and 0.065 inch wall thickness (gage 16)
1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, entitled ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam'' (October 15, 2012) (hereafter, ''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties have raised and to which we have responded in the Decision Memorandum. The Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Suspension of Liquidation

For this final determination, we have determined that neither of the producers/exporters of the subject merchandise individually investigated received countervailable subsidies. Therefore, we determine that countervailable subsidies are not being provided to producers or exporters in Vietnam of circular welded pipe.

Because we have reached a final negative determination we are terminating this investigation. Moreover, in accordance with section 705(c)(2) of the Tariff Act of 1930, as amended (''Act''), we will instruct U.S. Customs and Border Protection (''CBP'') to release any bond or other security and refund any cash deposits that were collected for shipments of subject merchandise entered, or withdrawn from warehouse on or after March 30, 2012, the date that we instructed CBP to suspend liquidation following the *Preliminary Determination.* The interest provisions of section 778 of the Act do not apply.

International Trade Commission (''ITC'') Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination.

Return or Destruction of Proprietary Information

This notice serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

[3] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

General Issues

Comment 1 Applicability of the CVD Law to the Socialist Republic of Vietnam

Comment 2 The Appropriate *De Minimis* Standard

Import Duty Exemptions on Imported Raw Materials for Export Processing Enterprises and Export Processing Zones

Comment 3 Countervailability of Import Duty Exemptions for Export Processing Enterprises and Companies in Export Processing Zones

Comment 4 The GOV's System for Monitoring the Inputs Used To Produce Exported Goods

Import Duty Exemptions for Imported Fixed Assets, Spare Parts and Accessories for Export Processing Enterprises and Export Processing Zones

Comment 5 Whether Hongyuan's Failure to Report Imports of Spare Parts and Accessories Warrants Use of AFA

Import Duty Exemptions for Imported Fixed Assets, Spare Parts and Accessories for Encouraged Projects

Comment 6 SeAH VINA's Failure to Report Some Imports

Comment 7 Whether SeAH VINA Received Countervailable Duty Exemptions on its Purchases of Fixed Assets, Spare Parts and Accessories

Policy Loans

Comment 8 Preferential Financing to the Steel Industry

Comment 9 Preferential Lending for Exporters

Comment 10 Whether the Banks That Provided Loans to Hongyuan and SeAH VINA Are Public Entities

Comment 11 The Appropriate Benchmark for Policy Loans

Provision of Land for Less Than Adequate Remuneration (''LTAR'') in Encouraged Industries or Industrial Zones

Comment 12 SeAH VINA's Land

[FR Doc. 2012–25956 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–523–802]

Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman: Final Affirmative Countervailing Duty Determination

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') determines that countervailable subsidies are being provided to producers and exporters of circular welded carbon-quality steel pipe (''circular welded pipe'') from the Sultanate of Oman (''Oman'').

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Shane Subler, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6478 or (202) 482–0189, respectively.

Petitioners

The petitioners in this investigation are Allied Tube and Conduit, JMC Steel Group, United States Steel Corporation, and Wheatland Tube Corporation (''Wheatland Tube'').

Period of Investigation

The period for which we are measuring subsidies, or period of investigation, is January 1, 2010, through December 31, 2010.

Case History

The following events have occurred since the *Preliminary Determination.*[1] On April 5, 2012, a supplemental questionnaire was sent to Al Jazeera Steel Products Co. SAOG (''Al Jazeera'') and we received Al Jazeera's response on April 12, 2012. We sent supplemental questionnaires to the Government of the Sultanate of Oman (''GSO'') on April 5, April 20, and May 10, 2012. We received the GSO's responses, respectively, on April 12, April 27, and May 17, 2012.

We received comments from Wheatland Tube addressing the GSO's submission on April 6, April 19, April 27, May 10, May 25, 2012 and a request for hearing on April 30, 2012. Wheatland Tube also submitted factual information/pre-verification comments on June 1, 2012.

The Department conducted verification of Al Jazeera's and the GSO's questionnaire responses from June 11 to June 15, 2012. We issued our verification reports on August 21 (Al Jazeera) and August 23, 2012 (GSO).

The GSO and Al Jazeera, and Wheatland Tube submitted case and rebuttal briefs on September 5, and September 10, 2012, respectively. A public hearing was held on September 14, 2012.

Scope Comments

In accordance with the preamble to the Department's regulations, we set aside a period of time in our *Initiation Notice* for parties to raise issues regarding product coverage, and encouraged all parties to submit comments within 20 calendar days of publication of that notice.[2] As described in the *Preliminary Determination,* SeAH Steel VINA Corp. (''SeAH VINA'') filed comments on December 5, 2011, urging the Department to modify the scope description. No further comments on this issue were received.

For the reasons explained in the *Preliminary Determination,* the Department is not adopting SeAH VINA's proposed modification of the scope in its final determination.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (''O.D.'') not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (''ASTM''), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none

[1] *See Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman: Preliminary Negative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination,* 77 FR 19635 (April 2, 2012) (''*Preliminary Determination*'').

[2] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997) and *Circular Welded Carbon-Quality Steel Pipe from India, the Sultanate of Oman, the United Arab Emirates, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 76 FR 72173 (November 22, 2011) (''*Initiation Notice*'').

of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (''API'') API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding;[3] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
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2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the investigation is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, entitled ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman'' (October 15, 2012) (hereafter, ''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an Appendix is a list of the issues that parties have raised and to which we have responded in the Decision Memorandum. This Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Decision Memorandum and the electronic

[3] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

versions of the Decision Memorandum are identical in content.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Tariff Act of 1930, as amended (the ''Act''), we calculated an individual rate for Al Jazeera, the only producer/exporter individually investigated in this proceeding. Section 705(c)(5)(A)(i) of the Act states that for companies not investigated, we will determine an ''all-others'' rate equal to the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates, and any rates determined entirely under section 776 of the Act. The rate calculated for Al Jazeera, which is neither zero, *de minimis,* nor determined entirely under section 776 of the Act, is being assigned to ''all-others.''

We determine the total net countervailable subsidy rates to be:

Exporter/manufacturer	Net subsidy rate (percent)
Al Jazeera Steel Products Co. SAOG	4.13
All Others	4.13

In accordance with section 705(c)(1)(C) of the Act, we are directing U.S. Customs and Border Protection to suspend liquidation of all entries of circular welded pipe from Oman that are entered, or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of merchandise in the amounts indicated above.

If the United States International Trade Commission (''ITC'') issues a final affirmative injury determination, we will issue a countervailing duty order pursuant to section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated deposits or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (''APO''), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Decision Memorandum

Tariff Exemptions on Imported Equipment, Machinery, Materials and Packaging Materials

Comment 1 Whether the program is specific because it provides prohibited export subsidies.

Comment 2 Whether the program is *de jure* specific because its use is limited to non-oil industrial activity.

Comment 3 Whether the Department should find the tariff exemptions specific on the basis of adverse facts available (AFA).

Sohar Industrial Estates

Comment 4 Whether the GSO's subsidization of the Sohar Industrial Estate (SIE) is regionally specific.

Comment 5 Whether the GSO failed to provide its economic plans thus warranting the application of AFA for the GSO's subsidization of the SIE.

Comment 6 Whether the GSO's provision of natural gas in the SIE is specific.

Comment 7 Whether the GSO impeded the investigation and did not act to the best of its ability with respect to its provision of water in Sohar.

Comment 8 Whether the GSO's provision of land confers a benefit.

Comment 9 Whether the GSO's provision of electricity confers a benefit.

Soft Loans for Industrial Projects Under RD 17/97

Comment 10 Whether the loans provided under the RD 17/97 are specific.

[FR Doc. 2012–25949 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–805]

Notice of Final Determination of Sales at Less Than Fair Value: Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has determined that imports of circular welded carbon-quality steel pipe (circular welded pipe) from the United Arab Emirates (UAE) are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are listed in the ''Continuation of Suspension of Liquidation'' section of this notice.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Deborah Scott or Robert James, 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) 482–2657 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2012, the Department published in the **Federal Register** its preliminary determination in the antidumping duty investigation of circular welded pipe from the UAE.[1]

On June 12, 2012, respondent Universal Tube and Plastic Industries, Ltd. (UTP–JA), KHK Scaffolding & Formwork LLC (KHK), and Universal Tube and Pipe Industries LLC (UTP–DIP) (collectively, Universal) submitted its response to the Department's May 15, 2012, supplemental questionnaire for section D. As part of its response, Universal submitted revised home market and U.S. sales databases.

[1] *See Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 77 FR 32539 (June 1, 2012) (*Preliminary Determination*).

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by Universal. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the company.[2]

On July 2, 2012, petitioners Allied Tube and Conduit and the JMC Steel Group requested a hearing pursuant to the Department's regulations at 19 CFR 351.301(c).

On August 14, 2012, petitioners Allied Tube and Conduit and the JMC Steel Group submitted a letter requesting that the Department reject the reclassification of sales from home market to third country. Universal filed a response to petitioners' comments on August 17, 2012.

On August 15, 2012, the Department requested that Universal submit a revised cost database reflecting the minor corrections identified at the start of the cost verification.[3] Universal timely filed its new cost database on August 22, 2012, in accordance with the Department's memorandum issued on that date.[4]

On September 13, 2012, Universal, respondent Abu Dhabi Metal Pipes & Profiles Industries Complex LLC (ADPICO), and petitioners Allied Tube and Conduit and the JMC Steel Group timely filed case briefs. Petitioners Allied Tube and Conduit and the JMC Steel Group withdrew their request for a hearing on September 13, 2012. On September 18, 2012, Universal and Allied Tube and Conduit and the JMC Steel Group timely submitted rebuttal comments.

Period of Investigation

The period of investigation is October 1, 2010, to September 30, 2011.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (O.D.) not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (ASTM), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (API) API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding;[5] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
1.660 inch O.D. and 0.055 inch wall thickness (gage 17)
1.660 inch O.D. and 0.065 inch wall thickness (gage 16)
1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
1.660 inch O.D. and 0.083 inch wall thickness (gage 14)
1.660 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
1.900 inch O.D. and 0.055 inch wall thickness (gage 17)

[2] *See* Memoranda to the File entitled ''Verification of the Cost Response of Universal Tube and Plastic Industries, Ltd. in the Antidumping Duty Investigation of Circular Welded Carbon Quality Steel Pipe from the United Arab Emirates,'' dated August 14, 2012; ''Home Market Sales Verification of Universal Tube and Plastic Industries, Ltd. (UTP–JA) and Its Home Market Affiliates (collectively, Universal [1]) in the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates (UAE),'' dated August 28, 2012; and ''U.S. Sales Verification of Prime Metal Corp. USA (Prime Metal) in the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates (UAE),'' dated September 6, 2012.

[3] *See* Memorandum to the File from Ji Young Oh, ''Antidumping Duty Investigation of Circular Welded Carbon Quality Steel Pipe from the United Arab Emirates,'' dated August 15, 2012.

[4] *See* Memorandum to the File from Ji Young Oh, ''Antidumping Duty Investigation of Circular Welded Carbon Quality Steel Pipe from the United Arab Emirates,'' dated August 22, 2012.

[5] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

1.900 inch O.D. and 0.065 inch wall thickness (gage 16)
1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. However, the product description, and not the HTSUS classification, is dispositive of whether the merchandise imported into the United States falls within the scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the Issues and Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration (Issues and Decision Memorandum), which is dated concurrently with, and hereby adopted by, this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we have made certain changes to the margin calculation for Universal. For a discussion of these changes, *see* Memorandum to the File, through Robert James, Program Manager, from Deborah Scott, International Trade Compliance Analyst, entitled ''Analysis of Data Submitted by Universal in the Final Determination of the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates,'' dated October 15, 2012; *see also* Memorandum to Neal M. Halper, Director, Office of Accounting, through Theresa C. Deeley, Lead Accountant, from Ji Young Oh, Senior Accountant, entitled, ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Universal Tube and Plastic Industries, Ltd.'' dated October 15, 2012. We have not made any changes since the Preliminary Determination with respect to ADPICO.

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of circular welded pipe from the UAE which were entered, or withdrawn from warehouse, for consumption on or after June 1, 2012, the date of publication of the *Preliminary Determination.* We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average margins, as indicated below, as follows: (1) The rates for Universal and ADPICO will be the rates we have determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 3.85 percent, as discussed in the ''All Others Rate'' section, below. These suspension-of-liquidation instructions will remain in effect until further notice.

Manufacturer/exporter (percent)	Weighted-average margin
Universal Tube and Plastic Industries, Ltd./KHK Scaffolding & Formwork LLC/ Universal Tube and Pipe Industries LLC	3.85
Abu Dhabi Metal Pipes & Profiles Industries Complex LLC	11.71
All Others	3.85

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins and any margins determined entirely under section 776 of the Act. Universal is the only respondent in this investigation for which we calculated a company-specific rate that is not zero, *de minimis,* or determined entirely under section 776 of the Act. Therefore, for purposes of determining the ''all others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Universal, 3.85 percent, for the ''all others'' rate, as referenced above.

Disclosure

We intend to disclose to parties in this proceeding the calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury does exist, the Department will issue an

antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Issues in the Issues and Decision Memorandum

Universal
Comment 1: Reclassification of Sales From Home Market to Third Country
Comment 2: Level of Trade
Comment 3: Early Payment Discounts
Comment 4: Post-Sale Price Adjustments to U.S. Price
Comment 5: U.S. Indirect Selling Expense Ratio
Comment 6: Various Issues Noted in the Home Market and U.S. Sales Verification Reports
Comment 7: UTP–JA's Other Material Costs
Comment 8: UTP–JA's General and Administrative Expense Ratio Calculation
Comment 9: KHK's Un-Reconciled COM Difference
Comment 10: KHK's General and Administrative Expense Ratio Calculation
Comment 11: Universal's Financial Expense Ratio Calculation
Comment 12: Targeted Dumping/Zeroing ADPICO
Comment 13: Application of Total Adverse Facts Available

[FR Doc. 2012–25972 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–852]

Circular Welded Carbon-Quality Steel Pipe From India: Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* October 22, 2012.

SUMMARY: On June 1, 2012, the Department of Commerce (the Department) published the *Preliminary Determination* of sales at less than fair value (LTFV) in the antidumping investigation of circular welded carbon-quality steel pipe from India.[1] The period of investigation (POI) is October 1, 2010, through September 30, 2011. No comments were received from interested parties, and we have made no changes to our *Preliminary Determination.* The Department continues to find that circular welded carbon-quality steel pipe from India is being, or is likely to be, sold in the United States at LTFV, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margin of sales at LTFV is shown in the ''Final Determination Margin'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian or Robert James, 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) 482–1131 or 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

The only respondent in this investigation is Zenith Birla (India) Limited (previously known as Zenith Steel Pipes and Industries Ltd.) (Zenith).[2] In response to a request by Zenith, the Department postponed the final determination until no later than 135 days after the publication of the *Preliminary Determination* in the **Federal Register**, or October 14, 2012.[3] No interested parties submitted a case brief. The Department is not making any changes to the *Preliminary Determination.*

Scope of the Investigation

At the time of the filing of the petition for this case, there was an existing antidumping duty order on welded steel pipe and tube from India. *See Antidumping Duty Order; Certain Welded Carbon Steel Standard Pipes and Tubes From India,* 51 FR 17384 (May 12, 1986). Therefore, the scope of this investigation covers merchandise manufactured and/or exported by Zenith Steel Pipes and Industries Ltd., and any successors-in-interest to that company, which is the only company excluded from the 1986 order known to exist.

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (''O.D.'') not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (''ASTM''), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;

[1] *See Circular Welded Carbon-Quality Steel Pipe From India: Preliminary Determination of Sales at Less Than Fair Value,* 77 FR 32562 (June 1, 2012) (''*Preliminary Determination*'').

[2] We noted in the *Preliminary Determination* that this investigation covers merchandise manufactured and/or exported by Zenith Steel Pipes and Industries Ltd., which was excluded from an existing antidumping duty order covering welded steel pipe and tube from India. We also noted nothing on the record of this investigation that contradicts our conclusion in the initiation of this investigation that Zenith Birla (India) Limited is the current name for the company formerly known as Zenith Steel Pipes and Industries, Ltd. *See Preliminary Determination,* 77 FR at 32562–63.

[3] *See Circular Welded Carbon-Quality Steel Pipe From India: Postponement of Final Determination of Antidumping Duty Investigation,* 77 FR 36257 (June 18, 2012). As October 14, 2012, is a Sunday, the signature day became the next business day, October 15, 2012, in accordance with our practice. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR at 24533 (May 10, 2005).

(xii) 0.41 percent of titanium;

(xiii) 0.15 percent of vanadium;

(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (''API'') API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: Is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding;[4] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
1.660 inch O.D. and 0.055 inch wall thickness (gage 17)
1.660 inch O.D. and 0.065 inch wall thickness (gage 16)
1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
1.660 inch O.D. and 0.083 inch wall thickness (gage 14)
1.660 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
1.900 inch O.D. and 0.055 inch wall thickness (gage 17)
1.900 inch O.D. and 0.065 inch wall thickness (gage 16)
1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. However, the product description, and not the HTSUS classification, is dispositive of whether the merchandise imported into the United States falls within the scope of the investigation.

Adverse Facts Available

For the final determination, we fully incorporate the analysis of Zenith's failure to cooperate as discussed in the *Preliminary Determination* and continue to find that the application of adverse facts available is warranted.[5] No party commented on the *Preliminary Determination,* and our analysis remains unchanged. The Department corroborated the margin applied to Zenith in the *Preliminary Determination.*[6]

Final Determination Margin

We determine that the below percentage margin exists for the following entity for the POI:

Manufacturer/exporter	Weighted-average margin (percent)
Zenith Birla (India) Limited (previously known as Zenith Steel Pipes and Industries Ltd.)	48.43

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(b) of the Act, we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of certain steel pipe from India manufactured and/or exported by Zenith that are entered, or withdrawn from warehouse, for consumption on or after June 1, 2012, the date of publication of the

[4] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

[5] *See Preliminary Determination,* 77 FR at 32564–66 (discussing Zenith's persistent pattern of non-cooperation and the consequent application of adverse facts available).

[6] *See Preliminary Determination,* 77 FR at 32565–66.

Preliminary Notice. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average margin, as indicated below, as follows: (1) The rate for Zenith will be the rate we have determined in this final determination, adjusted for the export subsidy portion of the Zenith's final margin in the companion countervailing duty (CVD) investigation of circular welded carbon-quality steel pipe from India;[7] (2) if the exporter is not a firm identified in this investigation but the manufacturer is Zenith, the rate will be the rate established for Zenith. These suspension-of-liquidation instructions will remain in effect until further notice. Note that no ''all others'' deposit rate is required, because Zenith is the only manufacturer covered by the investigation.

Notification Regarding APO

This notice also serves as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and notice are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–25959 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See* the companion CVD investigation of circular welded carbon-quality steel pipe from India dated concurrently with this notice.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–801]

Notice of Final Determination of Sales at Less Than Fair Value: Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has determined that imports of circular welded carbon-quality steel pipe (circular welded pipe) from the Sultanate of Oman (Oman) are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final dumping margins for this investigation are listed in the ''Final Determination'' section of this notice.

DATES: *Effective Date:* October 22, 2012

FOR FURTHER INFORMATION CONTACT: John Drury or Ericka Ukrow, 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) 482–0195 or (202) 482–0405, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2012, the Department published in the **Federal Register** its preliminary determination in the antidumping duty investigation of circular welded pipe from Oman.[1]

In the *Preliminary Determination,* the Department stated that ''{W}e will further examine whether there is other information that denotes a more appropriate date of sale as it is unclear from the record whether the material terms of these sales were set prior to the POI'' and that ''{W}e intend to issue a supplemental questionnaire to Al Jazeera'' to solicit more information in order to determine the appropriate date of sale.[2] On June 6, 2012, the Department issued Al Jazeera Steel Products Co. SAOG (Al Jazeera), the mandatory respondent in this investigation, a third supplemental questionnaire.[3] On June 14, 2012, Al Jazeera submitted its response to the third supplemental questionnaire.[4]

As provided in section 782(i) of the Act, we conducted sales and cost verifications between June 18 and 28, 2012 of the questionnaire responses submitted by Al Jazeera. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the company.[5]

On July 2, 2012, Allied Tube and Conduit and the JMC Steel Group (collectively, Petitioners) requested a hearing pursuant to 19 CFR 351.310(c).[6]

As provided in section 782(i) of the Act, we conducted sales and cost verifications of the questionnaire responses submitted by Al Jazeera. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the company. Based on the Department's findings at verification, as well as the minor corrections presented by Al Jazeera at the start of verification, on August 17, 2012, the Department requested that Al Jazeera submit revised sales databases.[7] On August 22, 2012, Al Jazeera timely submitted their revised sales databases.[8]

We received case briefs from Petitioners and Al Jazeera on August 29, 2012.[9] On September 4, 2012, Al Jazeera and Petitioners timely submitted rebuttal comments.[10]

Petitioners, pursuant to 19 CFR 351.310(c), withdrew its request for a hearing on September 13, 2012.[11]

Period of Investigation

The period of investigation is October 1, 2010, to September 30, 2011.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (O.D.) not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (ASTM), proprietary, or

[1] *See Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 77 FR 32531 (June 1, 2012) (*Preliminary Determination*).

[2] *See Preliminary Determination* at 32535.

[3] *See* Letter from Angelica L. Mendoza, Program Manager, Office 7, to Al Jazeera Steel Products Co. SAOG, dated June 6, 2012.

[4] *See* Al Jazeera's Third Supplemental Questionnaire Response, dated June 14, 2012.

[5] *See* Memoranda to the File entitled ''Verification of the Sales Response of Al Jazeera Steel Products Co. SAOG in the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman,'' dated August 14, 2012; ''Verification of the Cost Response of Al Jazeera Steel Products Co. SAOG in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe From the Sultanate of Oman,'' dated August 21, 2012.

[6] *See* Letter from Allied Tube and Conduit and JMC Steel (Petitioners) to the Secretary of Commerce, dated July 2, 2012.

[7] *See* Letter from Angelica L. Mendoza, Program Manager, Office 7, to Al Jazeera Steel Products Co. SAOG, dated August 17, 2012.

[8] *See* Al Jazeera's Fourth Supplemental Questionnaire Response, dated August 22, 2012.

[9] *See* Letter to the Secretary of Commerce from Petitioners, dated August 29, 2012, and Letter to the Secretary of Commerce from Al Jazeera, dated August 29, 2012.

[10] *See* Letter to the Secretary of Commerce from Petitioners, dated September 4, 2012, and Letter to the Secretary of Commerce from Al Jazeera, dated September 4, 2012.

[11] *See* Letter to the Secretary of Commerce from Petitioners, dated September 13, 2012.

other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (API) API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding;[12] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
1.660 inch O.D. and 0.055 inch wall thickness (gage 17)
1.660 inch O.D. and 0.065 inch wall thickness (gage 16)
1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
1.660 inch O.D. and 0.083 inch wall thickness (gage 14)
1.660 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
1.900 inch O.D. and 0.055 inch wall thickness (gage 17)
1.900 inch O.D. and 0.065 inch wall thickness (gage 16)
1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. However, the product description, and not the HTSUS classification, is dispositive of whether the merchandise imported into the United States falls within the scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the Issues and Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit (CRU), room 7046 of the

[12] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Application of Adverse Facts Available (AFA) to Certain Bank Expenses Related to Al Jazeera's U.S. Sales

In its section C questionnaire response, Al Jazeera reported bank charges for its U.S. sales.[13] However, Al Jazeera stated that it could not trace the actual bank charges to each sale.[14] Therefore, Al Jazeera reported estimated bank charges based upon a percentage of the sales price and the bank into which Al Jazeera deposited the payment for the sale.[15]

At verification, Al Jazeera stated that its allocation methodology overstated the actual bank charges.[16] As an example, Al Jazeera submitted random U.S. sales and compared the total of the actual bank charges for these sales to the total originally reported.[17] The aggregate total bank charge for the randomly selected sales was lower than the reported total.[18] However, in examining the individual sales selected by Al Jazeera, we noted that half of the randomly selected sales had bank charges which did not match the reported percentages in the section C database.[19] Furthermore, for another sale, we found that some of the bank charges were mis-classified into a separate account.[20] Finally, one of the sales traces that we examined did not have any bank charges associated with the sale.[21] The other sales traces showed a similar lack of pattern for the reported sales.[22]

Section 776(a) of the Act provides that the Department shall apply ''facts otherwise available'' if (1) necessary information is not on the record or (2) an interested party or any other person (A) withholds information that has been requested; (B) fails to provide information within the deadlines established, or in the form and manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding; or (D) provides information that cannot be verified as provided by section 782(i) of the Act.

Section 776(b) of the Act provides further that the Department may use an adverse inference in applying the facts otherwise available when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. Such an adverse inference may include reliance upon information derived from the petition or other information placed on the record.[23] The *SAA* explains that the Department may employ an adverse inference about the missing information ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' [24] Importantly, ''affirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' [25]

We find that that the application of facts available is appropriate under section 776(a)(2)(D) of the Act because Al Jazeera failed properly to report certain bank expenses related to U.S. sales and, instead, provided information that, upon examination at verification, was irreconcilable with Al Jazeera's original reported methodology. Further, we find that the application of AFA is appropriate under section 776(b) of the Act because Al Jazeera failed to cooperate by not acting to the best of its ability in responding to the Department's request for verifiable information. As adverse facts available, the Department has applied the highest bank charge percentage that we examined and reconciled at verification,[26] based on the percentage of the sales value, to all of Al Jazeera's U.S. sales.

Finally, because we are relying on Al Jazeera's own information obtained during the course of this investigation, there is no need to corroborate this data pursuant to section 776(c) of the Act.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verifications, we have made certain changes to the margin calculations for Al Jazeera. For a discussion of these changes, *see* Memorandum to the file, through Angelica Mendoza, Program Manager, from Ericka Ukrow and John Drury, International Trade Analysts, entitled ''Analysis of Data Submitted by Al Jazeera Steel Products Co. SAOG in the Final Determination of the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman'' dated October 15, 2012 (Final Analysis Memorandum); *see also* Memorandum to Neal M. Halper, Director, Office of Accounting, through Michael P. Martin, Lead Accountant, from Laurens van Houten, Senior Accountant, entitled, ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—Al Jazeera Steel Products Co. SAOG,'' dated October 15, 2012.

In preparing for this final determination, the Department determined that the Arm's Length Test in the SAS program was improperly dropping certain sales from the comparison market database. We corrected this error for the final determination. *See* Final Analysis Memorandum at 8.

Final Determination

The Department determines that the following dumping margins exist for the period October 1, 2010, to September 30, 2011:

Manufacturer/Exporter	Weighted-average margin (percent)
Al Jazeera Steel Products Co. SAOG	5.81
All Others	5.81

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of circular welded pipe from Oman which were entered, or withdrawn from warehouse, for consumption on or after June 1, 2012, the date of publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the following weighted-average margins, as indicated above: (1) The rate for Al Jazeera will be the rate we have

[13] *See* Al Jazeera's section B&C response, dated February 9, 2012 (BCQR) at 82.

[14] *See* Memorandum to the File, from Ericka Ukrow and John K. Drury, Case Analysts, titled ''Verification of the Sales Response of Al Jazeera Steel Products Co. SAOG in the Antidumping Duty Investigation of Circular Welded Carbon-Quality Pipe From the Sultanate of Oman,'' dated August 14, 2012 (Sales Verification Report) at 3 and VE–1.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *Id.* at 30–34 and Verification Exhibits 28, 38–46.

[22] *Id.* at 32 and VE–39.

[23] *Statement of Administrative Action Accompanying the Uruguay Round Agreements Act,* H.R. Rep. 103–316, Vol. 1, 103d Cong. (1994) (*SAA*) at 870.

[24] *Id.*

[25] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27340 (May 19, 1997); *see also Nippon Steel Corp. v. United States,* 337 F.3d 1373, 1382 (Fed. Cir. 2003).

[26] *See* Sales Verification Report, VE–1, at 3.

determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 5.81 percent, as discussed in the ''All Others Rate'' section, below. These suspension-of-liquidation instructions will remain in effect until further notice.

All Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins and any margins determined entirely under section 776 of the Act. Al Jazeera is the only respondent in this investigation for which we calculated a company-specific rate that is not zero or *de minimis.* Therefore, for purposes of determining the ''all others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Al Jazeera, 5.81 percent, for the ''all others'' rate, as referenced above.

Disclosure

We intend to disclose to parties in this proceeding the calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act the ITC will determine within 45 days whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CPR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(l) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

Issues and Decision Memorandum

Comment 1: Date of Sale
Comment 2: Targeted Dumping
Comment 3: Hot-Rolled Steel Coil Cost and Yield Ratio
Comment 4: Model Matching Hierarchy
Comment 5: Double-Counting of Certain Export Charges

[FR Doc. 2012–25963 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–811]

Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam: Notice of Final Determination of Sales at Less Than Fair Value

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has determined that imports of circular welded carbon-quality steel pipe (circular welded pipe) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less-than-fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are listed in the ''Continuation of Suspension of Liquidation'' section of this notice.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, 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) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 2012, the Department published in the **Federal Register** its preliminary determination in the antidumping duty investigation of circular welded pipe from Vietnam.[1]

On June 8, 2012, we placed on the record of this investigation a memorandum describing a revision to the methodology announced in our preliminary determination for calculating the rate assigned to cooperative respondents not selected for individual analysis.

As provided in section 782(i) of the Act, we conducted sales and factors of production (FOP) verifications of the questionnaire responses submitted by SeAH Steel VINA Corporation (SeAH VINA) and Haiphong Hongyuan Machinery Manufactory Co., Ltd. (Haiphong Hongyuan) as well as their respective U.S. affiliates. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by the company.[2]

On June 29, 2012, SeAH VINA, pursuant to the Department's regulations at 19 CFR 351.310(c), requested a hearing. On July 2, 2012, Allied Tube and Conduit, and the JMC Steel Group (petitioners), also, requested a hearing pursuant to the Department's regulations at 19 CFR 351.310(c). On September 21, 2012, and September 24, 2012, SeAH VINA and petitioners, respectively, withdrew their requests for a hearing.

On July 11, 2012, petitioners and Haiphong Hongyuan submitted surrogate values with which to value factors in the final determination.

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[1] *See Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination,* 77 FR 32552 (June 1, 2012) (*Preliminary Determination*).

[2] *See* Memoranda to the File entitled ''Verification of the Sales and Factors Response of Vietnam Haiphong Hongyuan Machinery Manufactory Co., Ltd., in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam;'' ''Verification of the Sales Response of Midwest Air Technologies, Inc., in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam;'' ''Verification of the Sales and Factors Response of SeAH Steel VINA Corporation in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam;'' ''Verification of the Sales Response of State Pipe & Supply, Inc., in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam;'' ''Verification of the Sales Response of SeAH Steel America, Inc., in the Antidumping Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam,'' all dated August 29, 2012.

We received case briefs from petitioners, SeAH VINA, Haiphong Hongyuan, and Sun Steel Joint Stock Company (SUNSCO) on September 11, 2012. On September 17, 2012, petitioners, SeAH VINA, and Haiphong Hongyuan filed rebuttal briefs.

On September 21, 2012, the Department placed on the record of the investigation back-up documentation to support the surrogate value it used for brokerage and handling in the preliminary determination, and invited interested parties to submit comments on that documentation. We received comments from Haiphong Hongyuan and SeAH VINA on September 25, 2012, and rebuttal comments from petitioners on September 27, 2012.

Period of Investigation

The period of investigation (POI) is April 1, 2011, to September 30, 2011.

Scope of the Investigation

This investigation covers welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter (O.D.) not more than 16 inches (406.4 mm), regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* American Society for Testing and Materials International (ASTM), proprietary, or other) generally known as standard pipe, fence pipe and tube, sprinkler pipe, and structural pipe (although subject product may also be referred to as mechanical tubing). Specifically, the term ''carbon quality'' includes products in which: (a) Iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated:

(i) 1.80 percent of manganese;
(ii) 2.25 percent of silicon;
(iii) 1.00 percent of copper;
(iv) 0.50 percent of aluminum;
(v) 1.25 percent of chromium;
(vi) 0.30 percent of cobalt;
(vii) 0.40 percent of lead;
(viii) 1.25 percent of nickel;
(ix) 0.30 percent of tungsten;
(x) 0.15 percent of molybdenum;
(xi) 0.10 percent of niobium;
(xii) 0.41 percent of titanium;
(xiii) 0.15 percent of vanadium;
(xiv) 0.15 percent of zirconium.

Subject pipe is ordinarily made to ASTM specifications A53, A135, and A795, but can also be made to other specifications. Structural pipe is made primarily to ASTM specifications A252 and A500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. Fence tubing is included in the scope regardless of certification to a specification listed in the exclusions below, and can also be made to the ASTM A513 specification. Sprinkler pipe is designed for sprinkler fire suppression systems and may be made to industry specifications such as ASTM A53 or to proprietary specifications. These products are generally made to standard O.D. and wall thickness combinations. Pipe multi-stenciled to a standard and/or structural specification and to other specifications, such as American Petroleum Institute (API) API–5L specification, is also covered by the scope of this investigation when it meets the physical description set forth above, and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50mm) in outside diameter; has a galvanized and/or painted (*e.g.,* polyester coated) surface finish; or has a threaded and/or coupled end finish.

The scope of this investigation does not include: (a) Pipe suitable for use in boilers, superheaters, heat exchangers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) finished electrical conduit; (c) finished scaffolding; [3] (d) tube and pipe hollows for redrawing; (e) oil country tubular goods produced to API specifications; (f) line pipe produced to only API specifications; and (g) mechanical tubing, whether or not cold-drawn. However, products certified to ASTM mechanical tubing specifications are not excluded as mechanical tubing if they otherwise meet the standard sizes (*e.g.,* outside diameter and wall thickness) of standard, structural, fence and sprinkler pipe. Also, products made to the following outside diameter and wall thickness combinations, which are recognized by the industry as typical for fence tubing, would not be excluded from the scope based solely on their being certified to ASTM mechanical tubing specifications:

1.315 inch O.D. and 0.035 inch wall thickness (gage 20)
1.315 inch O.D. and 0.047 inch wall thickness (gage 18)
1.315 inch O.D. and 0.055 inch wall thickness (gage 17)
1.315 inch O.D. and 0.065 inch wall thickness (gage 16)
1.315 inch O.D. and 0.072 inch wall thickness (gage 15)
1.315 inch O.D. and 0.083 inch wall thickness (gage 14)
1.315 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.047 inch wall thickness (gage 18)
1.660 inch O.D. and 0.055 inch wall thickness (gage 17)
1.660 inch O.D. and 0.065 inch wall thickness (gage 16)
1.660 inch O.D. and 0.072 inch wall thickness (gage 15)
1.660 inch O.D. and 0.083 inch wall thickness (gage 14)
1.660 inch O.D. and 0.095 inch wall thickness (gage 13)
1.660 inch O.D. and 0.109 inch wall thickness (gage 12)
1.900 inch O.D. and 0.047 inch wall thickness (gage 18)
1.900 inch O.D. and 0.055 inch wall thickness (gage 17)
1.900 inch O.D. and 0.065 inch wall thickness (gage 16)
1.900 inch O.D. and 0.072 inch wall thickness (gage 15)
1.900 inch O.D. and 0.095 inch wall thickness (gage 13)
1.900 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.047 inch wall thickness (gage 18)
2.375 inch O.D. and 0.055 inch wall thickness (gage 17)
2.375 inch O.D. and 0.065 inch wall thickness (gage 16)
2.375 inch O.D. and 0.072 inch wall thickness (gage 15)
2.375 inch O.D. and 0.095 inch wall thickness (gage 13)
2.375 inch O.D. and 0.109 inch wall thickness (gage 12)
2.375 inch O.D. and 0.120 inch wall thickness (gage 11)
2.875 inch O.D. and 0.109 inch wall thickness (gage 12)
2.875 inch O.D. and 0.134 inch wall thickness (gage 10)
2.875 inch O.D. and 0.165 inch wall thickness (gage 8)
3.500 inch O.D. and 0.109 inch wall thickness (gage 12)
3.500 inch O.D. and 0.148 inch wall thickness (gage 9)
3.500 inch O.D. and 0.165 inch wall thickness (gage 8)
4.000 inch O.D. and 0.148 inch wall thickness (gage 9)
4.000 inch O.D. and 0.165 inch wall thickness (gage 8)
4.500 inch O.D. and 0.203 inch wall thickness (gage 7)

The pipe subject to this investigation is currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers

[3] Finished scaffolding is defined as component parts of a final, finished scaffolding that enters the United States unassembled as a ''kit.'' A ''kit'' is understood to mean a packaged combination of component parts that contain, at the time of importation, all the necessary component parts to fully assemble a final, finished scaffolding.

7306.19.1010, 7306.19.1050, 7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5050, and 7306.50.5070. However, the product description, and not the HTSUS classification, is dispositive of whether the merchandise imported into the United States falls within the scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the Issues and Decision Memorandum From Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration (Issues and Decision Memorandum), which is dated concurrently with and hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit (CRU), Room 7046 of the Main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/*. The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verifications, we have made certain changes to the margin calculations for SeAH VINA and Haiphong Hongyuan. For a discussion of these changes, *see* Memorandum to the File, through Robert James, Program Manager, from Fred Baker, International Trade Analysts, entitled ''Analysis of Data Submitted by SeAH Steel VINA Corporation for the Final Determination of the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam'' dated October 15, 2012; *see also* Memorandum to the File, through Robert James, Program Manager, from Fred Baker, International Trade Analysts, entitled ''Analysis of Data Submitted by Haiphong Hongyuan Machinery Manufactory Co., Ltd., for the Final Determination of the Antidumping Duty Investigation of Circular Welded Carbon-Quality Steel Pipe from the Socialist Republic of Vietnam'' dated October 15, 2012.

Combination Rates

As stated in the preliminary determination, all separate rates the Department now assigns to exporters will be specific to those producers that supplied the exporter during the POI. *See Preliminary Determination,* 77 FR at 32560. This practice applies both to mandatory respondents receiving an individually-calculated separate rate, as well as the pool of non-investigated firms receiving the average of rates applied in this investigation. This practice is referred to as the application of ''combination rates,'' because such rates apply to the specific combination of exporters and their supplying producers. The cash-deposit rate assigned to an exporter will apply only to merchandise *both* exported by the firm in question and produced by a firm that supplied the exporter during the POI.

Vietnam-Wide Rate

Because we begin with the presumption that all companies within an NME country are subject to governmental control, and because only the companies listed under the ''Final Determination Dumping Margins'' section, below, have overcome that presumption, we are assigning a single weighted-average dumping margin (*i.e.,* the Vietnam-wide rate) to all other exporters of the merchandise under consideration. These other companies did not demonstrate entitlement to a separate rate.[4] The Vietnam-wide rate applies to all entries of the merchandise under consideration except for entries from the Separate Rate Companies.

In the preliminary determination, the Department determined that there were exporters/producers of the merchandise subject to this investigation during the POI from Vietnam that did not respond to the Department's request for information.[5] Further, we treated these Vietnamese exporters/producers as part of the Vietnam-wide entity because they did not qualify for a separate rate. Therefore, we find the use of facts available (FA) is necessary and appropriate to determine the Vietnam-wide rate pursuant to section 776(a)(2)(A) of the Act.[6]

In the preliminary determination, the Department also determined that, in selecting from the FA, an adverse inference is appropriate because the Vietnam-wide entity failed to co-operate by not acting to the best of its ability to comply with requests for information. As adverse facts available (AFA), we preliminary assigned to the Vietnam-wide entity a rate of 27.96 percent, the highest margin alleged in the petition, as corrected by the Department at our initiation of this investigation.[7]

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information.[8] We find that, because the Vietnam-wide entity did not respond to our request for information, it has failed to cooperate to the best of its ability. Therefore, the Department finds that, in selecting from among the facts otherwise available, an adverse inference is appropriate.

In deciding which facts to use as AFA, section 776(b) of the Act and 19 CFR 351.308(c)(1) provide that the Department may rely on information derived from (1) the petition, (2) a final determination in the investigation, (3) any previous review or determination, or (4) any information placed on the record. In selecting a rate for AFA, the Department selects a rate that is sufficiently adverse ''so as to effectuate the statutory purposes of the adverse facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.''[9] It is also the

[4] Those companies are Daiwa Lance International Co., Ltd., Hoa Sen Group, Vietnam Steel Pipe Co., Ltd. (a/k/a Vinapipe), Hyundai-Huy Hoang Pipe, Tianjin Lida Steel Pipe Group, Vietnam Germany Steel Pipe, and Vingal Industries Co., Ltd.

[5] *See Preliminary Determination,* 77 FR at 32557.

[6] *See id.*

[7] *See id.*

[8] *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products From the Russian Federation,* 65 FR 5510, 5518 (February 4, 2000). *See also* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Doc. 103–316, vol. 1, at 870 (1994) (*SAA*).

[9] *See Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access*

Continued

Department's practice to select a rate that ensures ''that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' [10]

In the preliminary determination, the Department selected as AFA, a rate of 27.96 percent, the highest margin alleged in the petition, as corrected by the Department at our initiation of this investigation.[11] For the final determination, the Department continues to use the same methodology to determine the AFA rate used in the preliminary determination.[12]

Final Determination Dumping Margins

We determine that the following dumping margins exist for the following entities for the POI:

Exporter	Producer	Weighted-average margin (in percent)
SeAH Steel VINA Corporation	SeAH Steel VINA Corporation	3.96
Vietnam Haiphong Hongyuan Machinery Manufactory Co., Ltd	Vietnam Haiphong Hongyuan Machinery Manufactory Co., Ltd	5.17
Sun Steel Joint Stock Company	Sun Steel Joint Stock Company	4.57
Huu Lien Asia Corporation	Huu Lien Asia Corporation	4.57
Hoa Phat Steel Pipe Co.	Hoa Phat Steel Pipe Co.	4.57
Vietnam-Wide Rate [13]		27.96

Continuation of Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of circular welded pipe from Vietnam which were entered, or withdrawn from warehouse, for consumption on or after June 1, 2012, the date of publication of the preliminary determination. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average margins, as indicated below, as follows: (1) The rate for the exporter/producer combinations listed in the chart above will be the rate we have determined in this final determination; (2) for all Vietnamese exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the Vietnam-wide rate; (3) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter/producer combination that supplied that non-Vietnamese exporter. These suspension-of-liquidation instructions will remain in effect until further notice.

Disclosure

We intend to disclose to parties in this proceeding the calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative and in accordance with section 735(b)(2)(B) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CPR 351.305. Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(l) of the Act.

Dated: October 15, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

General Issues

Comment 1: Calculating Weighted-Average Margins and Cash Deposit Rates Using Only Positive Dumping Margins
Comment 2: Financial Statements Used for Calculating Financial Ratios
Comment 3: Use of Factors of Production Methodology
Comment 4: Targeted Dumping
Comment 5: Surrogate Value for Labor
Comment 6: Surrogate Value for Brokerage and Handling
Comment 7: Surrogate Value for Steel Straps
Comment 8: Whether the Department Should Update Certain Surrogate Values
Comment 9: Rate Applicable to the Separate-Rate Applicants Not Selected for Individual Analysis

Issues Regarding Haiphong Hongyuan

Comment 10: The Department Should Make Adjustments to the Quantity of Certain U.S. Sales
Comment 11: Inputs That Should Be Included in Packing, Rather Than Cost of Manufacture
Comment 12: The Department Should Use the Most Recently Submitted Factors of Production and U.S. Sales Databases
Comment 13: Ministerial Error

Issues Regarding SeAH VINA

Comment 14: Date of Sale for U.S. Sales through SSA
Comment 15: Credit Period for ''Back-to-Back'' Sales
Comment 16: Double Counting Countervailable Subsidies
Comment 17: Ministerial Error

[FR Doc. 2012–25952 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DS–P

Memory Semiconductors From Taiwan, 63 FR 8909, 8932 (February 23, 1998).

[10] *See SAA* at 870.

[11] *See Preliminary Determination,* 77 FR at 32558.

[12] *See id.*

[13] The Vietnam-wide entity includes: Daiwa Lance International Co., Ltd., Hoa Sen Group, Vietnam Steel Pipe Co., Ltd. (a/k/a Vinapipe), Hyundai-Huy Hoang Pipe, Tianjin Lida Steel Pipe Group, Vietnam Germany Steel Pipe, and Vingal Industries Co., Ltd.

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy Policy Business Roundtable in Japan

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Revised Notice.

SUMMARY: The U.S. Department of Commerce's International Trade Administration (ITA) is coordinating a Renewable Energy Policy Business Roundtable, which will be held on December 3, 2012 in Tokyo in conjunction with the U.S.-Japan Energy Policy Dialogue. The U.S. Department of Energy—the lead U.S. agency for the bilateral dialogue taking place in Fukushima—will co-chair the Roundtable. ITA is seeking the participation of approximately 20 U.S. companies (up to two representatives per company) in the Roundtable and related events in the Touhoku region. The dialogue will provide an opportunity for Japanese policy-makers to benefit from the viewpoints of U.S. clean energy companies and those companies to be able to learn more about the policy and regulatory landscape for renewable energy developing in Japan at this time.

Following the Roundtable, the delegation will travel to Fukushima Prefecture and Sendai for site visits. Participants will learn firsthand the current condition of reconstruction following the March 2011 earthquake and tsunami, and the role of renewable energy in those efforts, including local government incentives. The U.S. Department of Commerce's Commercial Service will also be available in Tokyo to provide its counseling services to participating companies whose products or services include at least 51 percent U.S. content.

The Roundtable and Tour support ITA's commitments contained in the Renewable Energy and Energy Efficiency Export Initiative, which aims to significantly increase U.S. RE&EE exports during the National Export Initiative, which sets the ambitious goal of doubling U.S. exports by the end of 2014.

DATES: The roundtable and other related events will be held in Japan the week of December 3–7, 2012. Participants must apply online no later than November 9, 2012.

FOR FURTHER INFORMATION CONTACT:
Cora Dickson, Manufacturing and Services, Office of Energy and Environmental Industries, Phone: 202–482–6083, Email: *Cora.Dickson@trade.gov.*
Gregory Briscoe,
U.S. Commercial Service Tokyo, Phone: +81–3–3224–5088, Email: *Gregory.Briscoe@trade.gov.*

SUPPLEMENTARY INFORMATION: This notice updates and replaces 77 FR 60380 Document Number 2012–24297, published October 3, 2012.

Background:

A Japanese Cabinet advisory panel recently recommended that Japan phase out nuclear power by the 2030s, increase its reliance on renewable energy, and take steps to improve energy efficiency. In 2011, approximately 10 percent of Japan's electricity was derived from renewable energy. This percentage is expected to increase as various incentives, including a new feed-in tariff system (for solar, wind, geothermal, micro/small/medium hydro, and biomass/biogas), are introduced to promote investor confidence in renewable energy projects. A long-term reform process in the electricity sector is also taking shape that may allow for more diversity in energy sources as well as hasten the deployment of smart grid technology.

All of these factors point toward potential opportunities for American companies to work together with the Japanese government and industry to deploy renewable energy technologies. U.S. clean energy companies can contribute to the changing Japanese policy and regulatory landscape by exchanging views with Japan's policymakers and representatives from the private sector, who will also join the Roundtable. A frank and open discussion between policy makers and industry about renewable energy will enhance the bilateral Energy Policy Dialogue by identifying key policy issues and sharing best practices.

Goals:

- Gain a deeper understanding of the changing Japanese policy and regulatory landscape;
- Interact with policymakers and representatives from the private sector in Japan;
- Enhance the bilateral Energy Policy Dialogue by identifying key policy issues and sharing best practices; and
- Travel to the northeast region to see firsthand how communities are incorporating renewable energy in their reconstruction efforts.

Roundtable/Tour Activities:

During the Roundtable and Tour, participants will:

- Receive market briefings on the status of the renewable energy market in Japan, including an assessment of upcoming opportunities;
- Receive a Market Assessment Report on opportunities in Japan's renewable energy market;
- Be introduced to key Japanese government officials and decision-makers during the Roundtable;
- Exchange views with counterparts from the Japanese private sector;
- Attend a networking reception at the Ambassador's Residence as well as a reception organized by the Japanese government in Fukushima;
- Make courtesy calls with the Fukushima and Sendai prefectural governments to learn about local policy issues for renewable energy and smart communities;
- Make visits to renewable energy and smart grid deployments in Fukushima and Sendai; and
- Take advantage of the Commercial Service in Tokyo's services, if appropriate.
- A more detailed tentative schedule and links for online application are posted at *http://export.gov/reee/eg_main_054052.asp.*

Participation Requirements:

All parties interested in participating in the Roundtable/Tour or Roundtable Only must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated based on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 20 and maximum of 25 companies will be selected to participate in the Roundtable and Tour from the applicant pool. U.S. companies already doing business in Japan as well as U.S. companies seeking to enter to the Japanese market for the first time may apply.

Applications will be reviewed on a rolling basis in the order that they are received. In the event that applicants for the Roundtable and Touhoku Tour do not fill the spaces available, applicants for only the Roundtable on December 3 will be considered. Pre-registrations for Roundtable Only applications will be taken concurrently with applications for the Roundtable and Touhoku Tour.

Fees:

After a company has been selected to participate in the Roundtable, a participation fee is required. The participation fee for the Roundtable and Tour will be *$2,100.00* ($2,000 for SME) for the first representative and *$1,500.00* ($1,400 for SME) for a second representative (who will act as an observer at the Roundtable). If the second representative for a company attends solely the Roundtable (also as an observer) the fee is *$750.00 ($650 for SME).* If space is available for the Roundtable and applicants are selected

to participate solely in the roundtable, the fee will be *$750.00 ($650.00 for SME*) for either a primary or secondary representative.

An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/size*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008. For additional information, see *http://www.export.gov/newsletter/march2008/initiatives.html*

Exclusions & Expenses:

The conference fee does not include any personal travel expenses such as lodging, most meals, incidentals, local ground transportation, except as stated in the proposed timetable, and air transportation from the U.S. to the event location and return to the United States. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms and group rates for train tickets. Business visas may be required. Government fees and processing expenses to obtain such visas are also not included in the Roundtable/Tour costs. However, the U.S. Department of Commerce will provide instructions to each participant on the procedures required to obtain necessary business visas.

Conditions for Participation:

An applicant must register online at *http://export.gov/reee/eg_main_054052.asp.* In addition, the applicant must send an email to the U.S. Department of Commerce staff (see Contacts) addressing how he/she satisfies the four selection criteria listed below.

- Whether the applicant represents a U.S. company that fits one of the following profiles:

(1) Companies that manufacture technology or provide services in the renewable energy sector (particularly solar, wind, biomass, geothermal, and small/medium hydro);

(2) Developers of renewable energy projects with global experience; and

(3) Companies active in the smart grid industry.

- The applicant's potential for or interest in doing business in Japan;
- The applicant's ability to identify and discuss policy issues relevant to U.S. competitiveness in the renewable energy or smart grid sectors;
- Consistency of the applicant's goals and objectives with the stated scope of the event.

Diversity of company size and location may also be considered during the selection process. Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

Selected applicants will be asked to sign a Participation Agreement with the Department of Commerce in addition to the following mandatory certifications (applicants that cannot attest to these certifications cannot participate):

- The export of the products and services that it wishes to promote would be in compliance with U.S. export controls and regulations;
- Company/Organization has identified to the Department of Commerce for its evaluation any business pending before the Department of Commerce that may present the appearance of a conflict of interest;
- Company/Organization has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce;
- Company/Participant agrees that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with the Company's/Participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

Timeline for Recruitment and Applications

Recruitment for the Roundtable/Tour will begin immediately and conclude no later than November 9, 2012. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis beginning on or about October 25, 2012. Applications received after November 9, 2012 will be considered only if space and scheduling constraints permit.

Dated: October 16, 2012.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2012–25940 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–BC21

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery

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

ACTION: Notice; request for comments.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections, as required by the Paperwork Reduction Act of 1995. This request for comments is for information collection requirements from a recently published proposed rule regarding an action to reopen a portion of the Georges Bank Closed Area to the harvest of Atlantic surfclams and ocean quahogs. The full details of this action can be found in the proposed rule. This **Federal Register** notice is soliciting comments only on the burden estimates for the collection of information requirements under the testing protocol and the letter of authorization requirements that are associated with the proposed rule.

DATES: Written comments must be submitted on or before November 21, 2012.

ADDRESSES: You may submit comments, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking portal *http://www.regulations.gov.*
- *Fax:* (978) 281–9135, Attn: Jason Berthiaume.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on the Collection of Information Requirements for the Proposed Reopening of the GB Closed Area.''

Instructions: All comments received are part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not

submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, phone (978) 281–9177, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Georges Bank (GB) Closed Area has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause Paralytic Shellfish Poisoning (PSP). The action associated with the collection of information requirements discussed in this **Federal Register** notice, if implemented, would open a portion of the GB Closed Area for harvesting surfclams and ocean quahogs, provided harvesting is conducted under the terms and conditions of the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish. The full details of this action can be reference in the **Federal Register** notice that was published for the proposed rule (77 FR 53164; August 31, 2012). The protocol is designed to test and verify that clams harvested from GB are safe for human consumption. The protocol was formally adopted into the National Shellfish Sanitation Program at the October 2011 Interstate Shellfish Sanitation Conference. The protocol includes a detailed procedure outlining how shellfish are to be harvested, tested, and handled. The PSP testing protocol includes the following requirements that require analysis under the Paperwork Reduction Act (PRA): Submission of concurrence from the state of landing; maintain and submit harvest records; compile and submit laboratory results; create and maintain a written onboard lot segregation plan; and provide notification prior to unloading.

Additionally, to monitor and control the harvest of surfclams and ocean quahogs from the area, and to ensure vessels adhere to the protocol, vessels fishing in the area would be required to apply for and obtain a letter of authorization (LOA) from NMFS. The LOA would help to ensure that vessels are adhering to the regulations for harvesting within the area and would provide a mechanism for NMFS to restrict harvesting in the area should a vessel not comply with the terms and conditions of the LOA and/or the PSP testing protocol. The full protocol is available for viewing at *www.nero.noaa.gov/sfd/clams/ApprovedProtocol.pdf.*

II. Method of Collection

In regards to the requirement to obtain an LOA, in 2011, there were 47 Federal open-access surfclam and/or ocean quahog permitted vessels that landed surfclams and/or ocean quahogs that may wish to fish in the area proposed to be reopened. Each vessel could apply up to once a year, for a maximum of 47 applications. It is expected that each application would take 5 minutes to complete, for a fleet maximum of 4 hours. There is no additional public cost associated with this change as the application would be submitted with the previously existing annual permit renewal package.

In regards to the information collection required under the protocol, if all of the permitted vessels in 2011 fished in the area, there would be a total of 47 entities, as well as 11 states, that would be required to adhere to the terms and conditions of the PSP testing protocol. While the PSP testing protocol outlines what is required, there would be differences in the complexity of the documents as well as varying methods of submission. For this PRA analysis, it is assumed that the traditional method of submission will be used, physical mail at 45 cents per submission; however, it is likely that many submissions will be completed electronically and, therefore, the overall cost would be reduced.

The testing protocol requires numerous elements that contain collection of information requirements, including elements that are submitted to NMFS, as well as to state and private entities. The submission of concurrence from state of landing element is required only of the state, which would total 11 entities. This submission would be in the form of an annual written letter, with a total time burden estimate of 11 hr (11 submissions × 1 hr) and would cost $5 (11 submissions × $0.45).

The remainder of the requirements in the protocol apply to individual vessels, and is based on the maximum number of trips that occurred in the area in 2011 (46 trips). Three of these elements would require document submission, one of which is an annual submission, and the other two which are required on each trip. The result is 4,370 submissions (((47 × 46) ×2) + 46) with a total public cost burden of $1,967 (4,370 × $0.45). The offload notification requirement does not impose any additional costs, as the notification would be completed through a pre-existing email or cellular phone account and is not required to be submitted in writing.

It is estimated that both the requirement to submit and maintain harvest records and compile and submit laboratory test results would take 30 minutes each to complete. Based on the number of anticipated trips into the area, there would be 4,324 submissions and a public burden of 2,162 hr (4,324 submissions × 30 min). The element to create and maintain a written onboard lot segregation plan is required annually and would take approximately 60 min to complete for a public burden of 47 hr (47 submissions × 1 hr). The notification element is required on each trip and is estimated to take 5 min per notification, resulting in 180 hr of burden (2,162 notifications × 5 min). The total resulting time burden to the public from all of the requirements to fish in the reopened portion of the GB Closed Area is 2,404 hr (4 + 11 + 2,162 + 47 + 180).

III. Data

Northeast Region Permit Family of Forms Collection

OMB Control Number: 0648–0202.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business and other for-profit organizations.
Estimated Number of Respondents: 47.
Estimated Time per Response: 5 min per LOA application.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs

Surfclam/Ocean Quahog Administration.
OMB Control Number: 0648–0240.
Form Number: None.
Type of Review: Regular submission.
Affected Public: State, local, or tribal government; business or other for-profit organizations.
Estimated Number of Respondents: 58.
Estimated Time per Response: 60 min per submission of the concurrence from the state of landing; 30 minutes per response to maintain and submit harvest records; 30 min per response compile and submit laboratory test results; 60 min per response to create and maintain a written onboard lot segregation plan; and 5 min per response to provide notification prior to unloading
Estimated Total Annual Cost to Public: $1,972 in recordkeeping/reporting costs

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

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

Dated: October 16, 2012.

Alan D. Risenhoover,

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

[FR Doc. 2012–25982 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC305

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop 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, November 7, 2012 at 9 a.m.

ADDRESSES: The meeting will be held at the Four Points by Sheraton, 407 Squire Road, Revere, MA 02151; telephone: (781) 284–7200; fax: (781) 289–3176.

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 Advisors will review analyses and make final recommendations on Framework 24. Framework 24 includes fishery specifications for FY2013, and possibly FY2014 and 2015, as well as a handful of other measures. The other measures include: (1) Possible modification of Georges Bank access area opening dates; (2) measures to address sub-ACL of yellowtail flounder for the LAGC fishery; (3) modification of the effective date of yellowtail sub-ACL AMs; (4) leasing LAGC IFQ during the year and after fishing some fishing has occurred; and (5) expanding the observer set-aside program to include LAGC open area trips. 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: October 17, 2012.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–25874 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC307

North Pacific Fishery Management Council (NPFMC); Public Meeting

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

ACTION: Notice of a public committee meeting.

SUMMARY: The North Pacific Fishery Management Council's (Council) Steller Sea Lion Mitigation Committee (SSLMC) will meet in Juneau, AK.

DATES: The meeting will be held November 7–9, 2012, from 8:30 a.m. through 5 p.m. AST.

ADDRESSES: The meeting will be held in the 4th floor conference room at the Federal Building at 700 West 9th Street, Juneau, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Steve MacLean, NPFMC; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: At this meeting the SSLMC will be reviewing proposals for alternatives to be considered in the 2012 Steller Sea Lion Protection Measures EIS currently being prepared by NMFS. The SSLMC will begin drafting one or more alternatives for delivery to the Council in December, 2012. Proposals under consideration will be posted on the Council's Web site at *http://www.alaskafishries.noaa.gov/npfmc/conservation-issues/ssl.html.* Please note that State or Federal ID will be required to enter the Federal Building in Juneau. Foreign nationals wishing to attend this meeting in person should contact the Council as soon as possible to expedite security clearance at the Federal Building in Juneau.

Additional information is posted on the Council Web site: *http://www.alaskafisheries.noaa.gov/npfmc/.* The meeting will be webcast to allow the public to watch and hear presentations. Comments will not be accepted via webcast or teleconference.

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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen, (907) 271–2809, at least 5 working days prior to the meeting date.

Dated: October 17, 2012.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–25876 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC306

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Oversight Committee 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 Thursday, November 8, 2012 at 9 a.m.

ADDRESSES: The meeting will be held at the Four Points by Sheraton, 407 Squire Road, Revere, MA 02151; telephone: (781) 284–7200; fax: (781) 289–3176.

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 Committee will review input from both the Scallop Plan Development Team and Advisory Panel on Framework 24. The Committee will make final recommendations for the full Council to consider at the November Council meeting. 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: October 17, 2012.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2012–25875 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Climate Assessment and Development Advisory Committee (NCADAC)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of Open Meeting.

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the DoC NOAA National Climate Assessment and Development Advisory Committee (NCADAC).

Time and Date: The meeting will be held November 14, 2012 from 9:00 a.m.–5:30 p.m. and November 15 from 8:30 a.m. to 2:00 p.m. Eastern Time.

Place: This meeting will be held at the Silver Spring Civic Building at Veterans Plaza located at One Veterans Place Silver Spring, MD 20910. Please check the National Climate Assessment Web site for additional information at *http://www.globalchange.gov/what-we-do/assessment.*

Status: Seating will be available on a first come, first serve basis. Members of the public must RSVP in order to attend all or a portion of the meeting by contacting the NCADAC DFO (*Cynthia.Decker@noaa.gov*) and alternate DFO (*kandis.wyatt@noaa.gov*) by 12 p.m. November 9, 2012. The meeting will be open to public participation with a 15-minute public comment period from 11:45 a.m. to 12:00 p.m. on November 14, 2012. The NCADAC expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of two minutes. Written comments should be received in the NCADAC DFO's office by Friday, November 9, 2012, to provide sufficient time for NCADAC review. Written comments received by the NCADAC DFO after Friday, November 9, 2012, will be distributed to the NCADAC, but may not be reviewed prior to the meeting date.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12 p.m. on Friday, November 9, 2012, to Dr. Cynthia Decker, SAB Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910.

MATTERS TO BE CONSIDERED: Please refer to the Web page *http://www.nesdis.noaa.gov/NCADAC/index.html* for the most up-to-date meeting agenda, when available.

SUPPLEMENTARY INFORMATION: The National Climate Assessment and Development Advisory Committee was established in December 2010. The committee's mission is to synthesize and summarize the science and information pertaining to current and future impacts of climate change upon the United States; and to provide advice and recommendations toward the development of an ongoing, sustainable national assessment of global change impacts and adaptation and mitigation strategies for the Nation. Within the scope of its mission, the committee's specific objective is to produce a National Climate Assessment.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Designated Federal Official, National Climate Assessment and Development Advisory Committee, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–734–1156, Fax: 301–713–1459, Email: *Cynthia.Decker@noaa.gov*.

Dated: October 16, 2012.

Andy Baldus,

Acting Chief Financial Officer/Chief Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2012–25961 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Climate Assessment and Development Advisory Committee (NCADAC)

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Cancellation of Open Meeting.

SUMMARY: Notice is hereby given cancelling the DoC NOAA National Climate Assessment and Development Advisory Committee (NCADAC) conference call on Tuesday, October 24, 2012 from 3:00–5:00 p.m. Eastern time.

SUPPLEMENTARY INFORMATION: The National Climate Assessment and Development Advisory Committee was established in December 2010. The committee's mission is to synthesize and summarize the science and information pertaining to current and future impacts of climate change upon the United States; and to provide advice and recommendations toward the development of an ongoing, sustainable national assessment of global change impacts and adaptation and mitigation strategies for the Nation. Within the scope of its mission, the committee's specific objective is to produce a National Climate Assessment.

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Designated Federal Official, National Climate Assessment and Development Advisory Committee, NOAA, Rm. 11230, 1315 East-West Highway, Silver Spring, Maryland 20910. (Phone: 301–734–1156, Fax: 301–713–1459, Email: *Cynthia.Decker@noaa.gov.*

Dated: October 16, 2012.

Andy Baldus,

Acting Chief Financial Officer/Chief Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2012–25958 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC247

Taking and Importing Marine Mammals; U.S. Navy Training in the Northwest Training Range Complex

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notice is hereby given that NMFS has issued a 3-year Letter of Authorization (LOA) to the U.S. Navy (Navy) to take marine mammals incidental to Navy training and research activities to be conducted within the Northwest Training Range Complex (NWTRC), off the coasts of Washington, Oregon, and northern California. These activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act of 2004 (NDAA).

DATES: This Authorization is effective from November 12, 2012, through November 9, 2015.

ADDRESSES: The LOA and supporting documentation may be obtained by writing to P. Michael Payne, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Brian D. Hopper, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, upon request, the incidental taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals.

Regulations governing the taking of marine mammals by the Navy incidental to training and research activities in the NWTRC became effective on November 10, 2010 (75 FR 69296), and remain in effect through November 9, 2015. For detailed information on this action, please refer to that document. These regulations include mitigation, monitoring, and reporting requirements and establish a framework to authorize incidental take through the issuance of LOAs. On February 1, 2012, NMFS amended the regulations for 12 Navy Range Complexes, including NWTRC, to allow for multi-year LOAs (77 FR 4917).

Summary of Request

On June 27, 2012, NMFS received a request from the Navy for an LOA for the taking of marine mammals incidental to training and research activities conducted within the NWTRC under regulations issued on November 10, 2010 (75 FR 69296). The Navy has complied with the measures required in 50 CFR 216.274 and 216.275, as well as the LOA issued on November 12, 2011, and submitted the reports and other documentation required in the final rule and the 2011 LOA.

Summary of Activity Under the 2011 LOA

As described in the Navy's exercise reports (both classified and unclassified), from May 2, 2011 to May 1, 2012, the training activities conducted by the Navy were within the scope and amounts indicated in the 2011 LOA and the levels of take remain within the scope and amounts contemplated by the final rule.

Planned Activities and Estimated Take for 2012 Through 2015

Between 2012 and 2015, the Navy expects to conduct the same type and amount of training identified in the 2011 LOA; however, the Navy does not plan to conduct any Sinking Exercises (SINKEXs). While the Navy requested the same amount of take that was authorized in the 2011 LOA, NMFS has slightly adjusted those numbers to account for the exposure analysis contained in the Biological Opinion. However, the authorized take remains within the annual estimates analyzed in the final rule.

Summary of Monitoring, Reporting, and Other Requirements Under the 2011 LOA Annual Exercise Reports

The Navy submitted their classified and unclassified 2011 exercise reports within the required timeframes and the unclassified report is posted on NMFS Web site: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* NMFS has reviewed both reports and they contain the information required by the 2011 LOA. The reports indicate the amounts of different types of training that

occurred from May 2, 2011, to May 1, 2012. The Navy conducted zero SINKEXs and all other exercise types conducted (classified data) fell within the amount indicated in the LOA.

2011 Monitoring

The Navy conducted the monitoring required by the 2011 LOA and described in the Monitoring Plan, which included passive acoustic monitoring utilizing high-frequency acoustic recording packages (HARPs) and marine mammal tagging and tracking. The Navy submitted their 2011 Monitoring Report, which is posted on NMFS' Web site (*http://www.nmfs.noaa.gov/pr/permits/incidental.htm*), within the required timeframe. Because data is gathered through May 1 and the report is due in July, some of the data analysis will occur in the subsequent year's report. Navy-funded marine mammal monitoring accomplishments within NWTRC for the past year consisted of the following:

Passive Acoustic Monitoring

Two high-frequency acoustic monitoring packages (HARP) have been deployed by Scripps Institute of Oceanography (SIO) within the NWTRC. The first HARP was deployed in January 2011 approximately 25 nm from the coast in the southern part of NOAA's Olympic Coast National Marine Sanctuary. SIO has had HARPs in the same approximate location periodically since 2004. A second HARP was deployed in May 2011 near the edge of an underwater canyon west of the Olympic Coast National Marine Sanctuary boundary. Both HARPs were field serviced in early December 2011. Over 10,617 hours of passive acoustic data have been recorded. Subsequent analysis confirmed detection of the following marine mammals: blue whale, fin whale, humpback whale, nine toothed whale species, and sounds dominated by shipping noise.

Tagging

Under the 2011 LOA, the Navy purchased a total of 10 satellite tracking tags suitable for deployment on a number of marine mammal species within the NWTRC. Field deployment for tagging marine mammals commenced 2011 as part of a three-year joint project between the Navy, NMFS, Cascadia Research Collective, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife. During the May 2011 to May 2012 reporting period, three fin whales and one humpback whale were tagged off the Washington Coast. Approximately 43 days of animal movement data was obtained. More information detailing the results of the tagging study can be found in the Navy's Year 2 Northwest Training Range Complex Monitoring Report (2012), which is posted on the NMFS permits Web site: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

In conclusion, the Navy successfully implemented the monitoring requirements for the NWTRC by the end of the second monitoring period. Over the next three years, the Navy will continue to maintain the two HARPs that are currently in the water, while analyzing and presenting results from previously recorded data. Furthermore, the Navy will continue to report tagging results within the NWTRC from tags the Navy purchased in 2010, which have not yet been deployed.

Adaptive Management

The Navy's adaptive management of the NWTRC monitoring program involves close coordination with NMFS to align marine mammal monitoring with the overall objectives of the monitoring plan. Monitoring under the 2011 LOA only represents the second year of a planned five-year effort. Therefore, it would be premature to draw detailed conclusions or initiate comprehensive monitoring changes before more monitoring and data analysis is complete.

Authorization

The Navy complied with the requirements of the 2011 LOA. Based on our review of the record, NMFS has determined that the marine mammal take resulting from the 2011 military readiness training and research activities falls within the levels previously anticipated, analyzed, and authorized. Further, the level of taking authorized from 2012 to 2015 for the Navy's NWTRC activities is consistent with our previous findings made for the total taking allowed under the NWTRC regulations. Finally, the record supports NMFS' conclusion that the total number of marine mammals taken by the 2012 to 2015 activities in the NWTRC will have no more than a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. Accordingly, NMFS has issued an LOA for Navy training and research activities conducted in the NWTRC from November 12, 2012, through November 9, 2015.

Dated: October 16, 2012.

Helen M. Golde,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2012–25980 Filed 10–19–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Office of the Secretary of the Air Force Acceptance of Group Application Under Public Law 95–202 and Department of Defense Directive (DODD) 1000.20

AGENCY: The United States Air Force, DOD.

ACTION: Notice.

SUMMARY: Under the provisions of Section 401, Public Law 95–202 and DoD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of a group known as: ''Lycoming AVCO Vietnam Tech Reps.'' Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DoD Civilian/Military Service Review Board (DoD C/MSRB), 1500 West Perimeter Road, Suite 3700 Joint Base Andrews NAF, MD 20762–7002.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce T. Brown, Executive Secretary, DoD C/MSRB, at 240–612–5364, *bruce.brown@afncr.af.mil.* Copies of documents or other materials submitted cannot be returned.

Henry Williams, Jr.,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2012–25946 Filed 10–19–12; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

AGENCY: U.S. Department of Education, Office of Postsecondary Education, National Advisory Committee on Institutional Quality and Integrity.

ACTION: Announcement of the time and location of the December 11–12, 2012 National Advisory Committee on

Institutional Quality and Integrity (NACIQI) meeting.

ADDRESSES: U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW., Room 8072, Washington, DC 20006.

NACIQI's Statutory Authority and Function: The NACIQI is established under Section 114 of the HEA of 1965, as amended, 20 U.S.C. 1011c. The NACIQI advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV, of the HEA, as amended.
- The recognition of specific accrediting agencies or associations or a specific State approval agency.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, of the HEA, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary may prescribe.

SUMMARY: This meeting notice is an update to the previous notice published in the **Federal Register** on August 17, 2012 (77 FR 49786) and sets forth the time and location for the December 11–12, 2012 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI).

Meeting Date and Place: The NACIQI meeting will be held on December 11, 2012, from approximately 10:30 a.m. to approximately 5:30 p.m. and on December 12, 2012 from 9:00 a.m. to 2:00 p.m. at the Washington Marriott Wardman Park, 2660 Woodley Road NW., Washington DC 20008.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

FOR FURTHER INFORMATION CONTACT: Carol Griffiths, Executive Director, NACIQI, U.S. Department of Education, 1990 K Street NW., Room 8073, Washington, DC 20006–8129, telephone: (202) 219–7035, fax: (202) 219–7005, or email: *Carol.Griffiths@ed.gov.*

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.

David A. Bergeron,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2012–25917 Filed 10–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 14, 2012, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@oro.doe.gov* or check the Web site at *www.oakridge.doe.gov/em/ssab.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation: Accumulated Waste and Material Disposition Activity
- Additions/Approval of Agenda
- Motions/Approval of October Meeting Minutes
- Status of Recommendations with DOE
- Committee Reports
- Federal Coordinator Report
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.oakridge.doe.gov/em/ssab/minutes.htm.*

Issued at Washington, DC, on October 15, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–25907 Filed 10–19–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

State Energy Advisory Board (STEAB)

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat.770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 15, 2012 from 3:30–4:00 p.m. (EST). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Gil Sperling, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number is (202) 287–1644.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To provide advice and recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive an update on the activities of the STEAB's Task Forces, review the activities of the newly formed STEAB Strategic Planning Subcommittee, and provide an update to the Board on routine business matters and other topics of interest, and discuss outstanding items from the visit to Brookhaven National Laboratory.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gil Sperling at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on October 16, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012–25906 Filed 10–19–12; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD12–8–000]

Commission Information Collection Activities (FERC–922); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 USC 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the new information collection FERC–922, ''Performance Metrics in Regions Outside ISOs and RTOs,'' to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (77 FR 12832, 3/2/2012) requesting public comments. FERC received a comment from Edison Electric Institute (EEI) regarding the burden estimate as discussed further below. FERC also received comments on the specific metrics. These latter comments are summarized and addressed in the Commission Staff Report. The Commission Staff Report can be obtained via the Commission's eLibrary system (at *http://www.ferc.gov/docs-filing/elibrary.asp*) by searching under Docket No. AD12–8. The report will not be published in the **Federal Register**.

DATES: Comments on the collection of information are due by November 21, 2012.

ADDRESSES: Comments filed with OMB, identified by FERC–922, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov*. Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. AD12–8–000, by either of the following methods:

- eFiling at Commission's Web Site: *http://www.ferc.gov/docs-filing/efiling.asp*.
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp*. For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov*, or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp*.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov*, by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–922, Performance Metrics in Regions outside ISOs and RTOs.

OMB Control No.: To be determined.

Type of Request: Approval of a new information collection.

Abstract: The collection of information requires those public utilities outside of ISOs and RTOs that choose to participate to provide information responding to the attached metrics on a periodic basis. This includes the submission of price data and information relating to reliability, transmission planning, requests for service, and system capacity. The information submitted by participating utilities would be used to help develop a common set of metrics for both ISO/RTO markets and non-ISO/RTO markets, and for evaluating market performance thereafter.

The Chairman has reviewed the proposed metrics and has determined

that the metrics and data gathered thereunder are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Chairman is assured, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

Type of Respondents: Participants in Non-ISO/RTO markets.

Comment on Burden Estimate: In its solicitation for comments, Commission Staff estimated the public reporting burden for participating utilities to be approximately 140 hours per respondent for each report.

Comment

EEI asserts that the response time could be as high as 300–400 hours.

Response

Commission Staff will adjust the burden estimate based on EEI's high estimate of 300–400 hours. Commission Staff considers EEI's estimate to reflect the most time that it would take an entity to respond to the metrics. While Commission Staff recognizes that this report requires additional metrics and narrative discussions, Commission Staff nevertheless continues to conclude that 140 hours still represents a reasonable estimate of the burden, since much of the data required should be readily available to the responding utilities. However, in recognition of the fact that the burden will vary from entity to entity, we will revise our estimate to 245 hours per respondent, which is the mid-point between these estimates.

Estimate of Annual Burden: [1] Commission Staff estimates the total Public Reporting Burden for this information collection as:

FERC–922 requirements	Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
Metrics Data Collection			140	1,540
Write Performance Analysis	11	1	85	935
Management Review			20	220
Total				2,695

Cost to Comply: Commission Staff has projected the cost of compliance to be $184,460.

Technical Expertise = $168,300 (1,540 hours data collection + 935 hours report completion @ $68 per hour).

Management Review = $17,160 (220 hours report review @ $78 per hour).

Cost per hour figures are calculated using Bureau of Labor Statistics (BLS) data.[2] The technical expertise category factors in the median wage for an engineer, analyst, attorney and economist. The management category factors in the median wage for general and operations managers. Based on BLS data,[3] both cost figures have been adjusted to include benefits (benefits represent 29.5% of the total hourly figure).

Dated: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25817 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, *see* 5 CFR 1320.3 (2012).

[2] *See http://bls.gov/oes/current/naics3_221000.htm.*

[3] *See http://www.bls.gov/news.release/ecec.nr0.htm.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14421–000]

Freedom Falls, LLC; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, and Terms and Conditions, and Establishing an Expedited Schedule for Processing

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from Licensing.

b. *Project No.:* 14421–000.

c. *Date filed:* June 1, 2012.

d. *Applicant:* Freedom Falls, LLC.

e. *Name of Project:* Freedom Falls Hydroelectric Project.

f. *Location:* On Sandy Stream, in the Town of Freedom, Waldo County, Maine. The project would not occupy lands of the United States.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Anthony P. Grassi, Freedom Falls, LLC, 363 Belfast Road, Camden, ME 04843, (207) 236–4663.

i. *FERC Contact:* Samantha Davidson, (202) 502–6839 or *samantha.davidson@ferc.gov.*

j. Deadline for filing comments, recommendations, and terms and conditions: Due to the small size and particular location of this project and the close coordination with state and federal agencies during the preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) for filing comments, recommendations, and terms and conditions is shortened. Instead, comments, recommendations, and terms and conditions will be due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the issuance date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/ferconline.asp.* 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;* call toll-

free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and 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 and is now ready for environmental analysis.

l. The proposed Freedom Falls Hydroelectric Project would consist of: (1) An existing 90-foot-long, 12-foot-high concrete-capped stone masonry dam with a 25-foot-long, 10-foot-high spillway with two vertical lift sluice gates and a crest elevation of 452.5 feet mean sea level (msl); (2) an existing 1.6-acre impoundment with a normal maximum water surface elevation of 453.0 feet msl; (3) a new intake structure equipped with an 8-foot-high, 5-foot-wide trashrack that would be modified to have 1-inch clear bar spacing, and a 3-foot-high, 4.75-foot-wide slide gate; (4) a new downstream American eel passage facility and working platform; (5) a new 60-foot-long, 30-inch-diameter steel penstock leading to; (6) an existing 20-foot-wide, by 30-foot-long generating room containing a new 38.3 kilowatt turbine-generator unit; (7) a new 20-foot-long, 5-foot-wide tailrace; (8) a new 30-foot-long, 110-volt transmission line; and (9) appurtenant facilities. The proposed project is estimated to generate an average of 66,000 kilowatt-hours annually.

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. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' or ''TERMS AND CONDITIONS,'' (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, or terms and conditions 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. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also 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. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. Procedural schedule: The application will be processed according to the following procedural schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of the availability of the EA.	March 2013.

Dated: October 16, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25881 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12796–004]

City of Wadsworth, OH; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and 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 Original License.

b. *Project No.:* P–12796–004.

c. *Date filed:* March 28, 2011.

d. *Applicant:* City of Wadsworth, Ohio.

e. *Name of Project:* R.C. Byrd Hydroelectric Project.

f. *Location:* On the Ohio River at the U.S. Army Corps of Engineers (Corps) R.C. Byrd Locks and Dam (river mile 279.2), approximately 12.7 miles south of the confluence of the Ohio River and the Kanawha River and 9 miles south of the Town of Gallipolis, Gallia County, Ohio. The project would occupy 7.6 acres of federal land managed by the Corps.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Mr. Chris Easton, Director of Public Services, City of Wadsworth, Ohio, 120 Maple Street, Wadsworth, OH 44281, (330) 335–2777; or Mr. Phillip E. Meier, Assistant Vice President, Hydro Development, American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH 43229, (614) 540–0913.

i. *FERC Contact:* Gaylord Hoisington, (202) 502–6032 or *gaylord.hoisington@ferc.gov.*

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance date of this notice; reply comments are due 105 days from issuance date of this notice.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll

free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic 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. The application has been accepted and is now ready for environmental analysis.

l. The proposed project would use the existing Corps' R.C. Byrd Locks and Dam and would consist of the following new facilities: (1) A 1,200-foot-long intake channel; (2) a trash rack located in front of each of the generating unit intakes, with a bar spacing of approximately 8 inches; (3) a reinforced concrete powerhouse measuring approximately 258 feet long by 145 feet wide by 110 feet high and housing two bulb-type turbine generator units with a total installed capacity of 50 megawatts; (4) a 900-foot-long tailrace channel; (5) a 2.41-mile-long, 138-kilovolt transmission line; and (6) appurtenant facilities. The proposed project would have an average annual generation of 266 gigawatt-hours.

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.

All filings must (1) bear in all capital letters the title ''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 submitting the filing; 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. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also 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. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notices of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (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 wavier of water quality certification.

Dated: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25812 Filed 10–19–12; 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: ER12–2262–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance Filing per 10/1/2012 Order in ER12–2262 to be effective 10/1/2012.
Filed Date: 10/10/12.
Accession Number: 20121010–5133.
Comments Due: 5 p.m. e.t. 10/31/12.

Docket Numbers: ER12–2619–001.
Applicants: Eligo Energy, LLC.
Description: Amendment to Application for Market Based Rate to be effective 11/15/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5007; 20121011–5016.
Comments Due: 5 p.m. e.t. 11/1/12.

Docket Numbers: ER13–18–001.
Applicants: Big Blue Wind Farm, LLC.
Description: Amendment to Application for Market-Based Rate Authority to be effective 10/4/2012.
Filed Date: 10/10/12.
Accession Number: 20121010–5144.
Comments Due: 5 p.m. e.t. 10/19/12.

Docket Numbers: ER13–66–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue Position X1–039; Original Service Agreement No. 3402 to be effective 9/6/2012.
Filed Date: 10/10/12.
Accession Number: 20121010–5139.
Comments Due: 5 p.m. e.t. 10/31/12.

Docket Numbers: ER13–69–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–10–10 Tariff Amendment to Implement Real-Time Disturbance Dispatch to be effective 12/11/2012.
Filed Date: 10/10/12.
Accession Number: 20121010–5181.
Comments Due: 5 p.m. e.t. 10/31/12.

Docket Numbers: ER13–70–000.
Applicants: Texas Dispatchable Wind 1, LLC.
Description: TEXAS DISPATCHABLE WIND 1, LLC MBR Application to be effective 10/10/2012.
Filed Date: 10/10/12.
Accession Number: 20121010–5186.
Comments Due: 5 p.m. e.t. 10/31/12.

Docket Numbers: ER13–71–000.
Applicants: California Independent System Operator Corporation.
Description: 2012–10–10 Amendment to Transmission Control Agreement to be effective 1/1/2013.
Filed Date: 10/10/12.
Accession Number: 20121010–5187.
Comments Due: 5 p.m. e.t. 10/31/12.

Docket Numbers: ER13–72–000.
Applicants: Wisconsin Electric Power Company.
Description: Market Rate Power Sales Tariff—Category Update to be effective 10/12/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5005.
Comments Due: 5 p.m. e.t. 11/1/12.

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: October 11, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25798 Filed 10–19–12; 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: RP13–155–000.
Applicants: Ryckman Creek Resources, LLC.
Description: Revised Tariff Record: Section 2—Preliminary Statement to be effective 11/12/2012.
Filed Date: 10/12/12.
Accession Number: 20121012–5108.
Comments Due: 5 p.m. ET 10/24/12.

Docket Numbers: RP13–156–000.
Applicants: Central New York Oil And Gas, L.L.C.
Description: MARC I FTSA Compliance Filing to be effective 11/11/2012.
Filed Date: 10/12/12.
Accession Number: 20121012–5116.
Comments Due: 5 p.m. ET 10/24/12.

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 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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 October 15, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25800 Filed 10–19–12; 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: RP13–151–000.
Applicants: Alliance Pipeline L.P.
Description: Nov & Dec Auction 2012 to be effective 11/1/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5092.
Comments Due: 5 p.m. ET 10/23/12.

Docket Numbers: RP13–152–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 10/11/12 Negotiated Rates—Freepoint Commodiites (RTS) to be effective 11/1/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5138.
Comments Due: 5 p.m. ET 10/23/12.

Docket Numbers: RP13–153–000.
Applicants: Monroe Gas Storage Company, LLC.
Description: Monroe Gas Storage Tariff Modification to be effective 10/11/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5180.
Comments Due: 5 p.m. ET 10/23/12.

Docket Numbers: RP13–154–000.
Applicants: Natural Gas Pipeline Company of America.
Description: City of Salem, IL Negotiated Rate Filing to be effective 12/1/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5204.
Comments Due: 5 p.m. ET 10/23/12.

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 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP12–955–001.
Applicants: CenterPoint Energy—Mississippi River T.
Description: MRT Rate Case Compliance Filing for 9–28–12 Order to be effective 10/1/2012.
Filed Date: 10/11/12.
Accession Number: 20121011–5070.
Comments Due: 5 p.m. ET 10/23/12.

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 5:00 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 October 12, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25799 Filed 10–19–12; 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: ER11–2547–007.
Applicants: New York Independent System Operator, Inc.
Description: NYISO Compliance Filing re: Neptune Proxy Bus 15 Minute Variable Scheduling to be effective 10/30/2012.
Filed Date: 10/12/12.
Accession Number: 20121012–5093.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER11–3017–001.
Applicants: Hudson Transmission Partners, LLC.
Description: Notice of Non Material Change in Status of Hudson Transmission Partners, LLC.
Filed Date: 10/12/12.
Accession Number: 20121012–5090.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER11–4267–001; ER11–4270–001; ER11–4269–001; ER11–4268–001; ER11–113–001; ER10–2682–001.

Applicants: Algonquin Northern Maine Gen Co., Algonquin Tinker Gen Co., Algonquin Energy Services Inc., Granite State Electric Company, Sandy Ridge Wind, LLC, Algonquin Windsor Locks LLC.

Description: Algonquin Energy Services Inc., et al. submits second supplement to Notice of Change in Status.

Filed Date: 10/12/12.

Accession Number: 20121012–5076.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–112–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: SA 2488 Minnkota Power-GRE FCA to be effective 10/13/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5040.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–113–000.

Applicants: Sunbury Energy, LLC.

Description: Baseline for MBR Tariff to be effective 10/12/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5057.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–114–000.

Applicants: Wisconsin Public Service Corporation.

Description: Notice of Cancellation of Service Agreement to be effective 10/1/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5062.

Comments Due: 5 p.m. ET 11/2/12.

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: October 12, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25886 Filed 10–19–12; 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: RP13–157–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: Trailblazer Pipeline Company LLC submit Penalty Revenue Crediting Report.

Filed Date: 10/15/12.

Accession Number: 20121015–5056.

Comments Due: 5 p.m. ET 10/29/12.

Docket Numbers: RP13–158–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: 10/15/12 HUB Negotiated Rates Blanket Filing to be effective 11/15/2012.

Filed Date: 10/15/12.

Accession Number: 20121015–5147.

Comments Due: 5 p.m. ET 10/29/12.

Docket Numbers: RP13–159–000.

Applicants: Questar Southern Trails Pipeline Company.

Description: FT Forms of Agreement to be effective 11/16/2012.

Filed Date: 10/16/12.

Accession Number: 20121016–5024.

Comments Due: 5 p.m. ET 10/29/12.

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 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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: October 16, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25889 Filed 10–19–12; 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: EG13–4–000.

Applicants: Texas Dispatchable Wind 1, LLC.

Description: Self-Certification of Texas Dispatchable Wind 1, LLC.

Filed Date: 10/11/12.

Accession Number: 20121011–5210.

Comments Due: 5 p.m. ET 11/1/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–74–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of SA No. 3381 in Docket Nos. ER12–2442–000, et al to be effective 9/6/2012.

Filed Date: 10/11/12.

Accession Number: 20121011–5045.

Comments Due: 5 p.m. ET 11/1/12.

Docket Numbers: ER13–81–000.

Applicants: Frontier Utilities New York LLC.

Description: Baseline New to be effective 10/12/2012.

Filed Date: 10/11/12.

Accession Number: 20121011–5087.

Comments Due: 5 p.m. ET 11/1/12.

Docket Numbers: ER13–92–000.

Applicants: Wisconsin Power and Light Company.

Description: WPL's Changes in Depreciation Rates for Wholesale Production Service to be effective 1/1/2013.

Filed Date: 10/11/12.

Accession Number: 20121011–5126.

Comments Due: 5 p.m. ET 11/1/12.

Docket Numbers: ER13–98–000.

Applicants: Puget Sound Energy, Inc.

Description: PSE Rate Schedule CG–1 to be effective 12/31/9998.

Filed Date: 10/11/12.

Accession Number: 20121011–5146.

Comments Due: 5 p.m. ET 11/1/12.

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: October 12, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25885 Filed 10–19–12; 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: EC12–140–000.
Applicants: LSP Energy Limited Partnership.
Description: Supplement to Section 203 Application and Request for Shortened Comment Period of LSP Energy Limited Partnership.
Filed Date: 10/12/12.
Accession Number: 20121012–5153.
Comments Due: 5 p.m. ET 10/22/12.

Docket Numbers: EC13–10–000.
Applicants: Catalina Solar, LLC, Catalina Solar Lessee, LLC.
Description: Joint Application of Catalina Solar, LLC and Catalina Solar Lessee, LLC for Approval under Section 203 of the FPA; Request for Expedited Consideration and Confidential Treatment.
Filed Date: 10/12/12.
Accession Number: 20121012–5117.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: EC13–11–000.
Applicants: Saddle Mountain Power, LLC, MACH Gen, LLC, New Harquahala Generating Company, LLC.
Description: Application for Authorization under Section 203 of the Federal Power Act to Dispose of Jurisdictional Facilities and Request for Confidential Treatment of MACH Gen, LLC, New Harquahala Generating Company, LLC, and Saddle Mountain Power, LLC.
Filed Date: 10/12/12.
Accession Number: 20121012–5159.
Comments Due: 5 p.m. ET 12/11/12.

Docket Numbers: EC13–12–000.
Applicants: GWF Energy LLC, Castle Holdings LLC.
Description: Application for Section 203 authorization of GWF Energy LLC and Castle Holdings LLC.
Filed Date: 10/12/12.
Accession Number: 20121012–5166.
Comments Due: 5 p.m. ET 11/2/12.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1777–004; *ER10–2983–003; ER10–2980–003; ER10–2988–004; ER10–3310–003.*
Applicants: Sundevil Power Holdings, LLC, Castleton Energy Services, LLC, Castleton Power, LLC, Thompson River Power, LLC, New Harquahala Generating Company, LLC.
Description: Notification of Change in Status of the Wayzata Entities and New Harquahala Generating Company, LLC.
Filed Date: 10/12/12.
Accession Number: 20121012–5170.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER10–2181–014; *ER10–2179–014; ER10–2182–014.*
Applicants: Calvert Cliffs Nuclear Power Plant, LLC, Nine Mile Point Nuclear Station, LLC, R.E. Ginna Nuclear Power Plant, LLC.
Description: Notice of Non-Material Change in Status of Nine Mile Point Nuclear Station, LLC, et al.
Filed Date: 10/12/12.
Accession Number: 20121012–5156.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER10–3169–003.
Applicants: Michigan Power Limited Partnership.
Description: Notice of Non-Material Change in Status of Michigan Power Limited Partnership.
Filed Date: 10/12/12.
Accession Number: 20121012–5163.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER12–360–002.
Applicants: New York Independent System Operator, Inc.
Description: NYISO Filing to Correct Tariff Base to be effective 1/9/2012.
Filed Date: 10/12/12.
Accession Number: 20121012–5139.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER12–2178–001; ER10–2172–012; ER11–2016–007; ER10–2184–012; ER10–2183–009; ER10–1048–009; ER10–2176–013; ER10–2192–012; ER11–2056–006; ER10–2178–012; ER10–2174–012; ER11–2014–009; ER11–2013–009; ER10–3308–011; ER10–1017–008; ER10–1020–008; ER10–1145–008; ER10–1144–007; ER10–1078–008; ER10–1079–008; ER10–1080–008; ER11–2010–009; ER10–1081–008; ER10–2180–012; ER11–2011–008; ER12–2201–002; ER11–2009–008; ER11–3989–007; ER10–1143–008; ER11–2780–006; ER12–1829–001; ER11–2007–007; ER12–1223–006; ER11–2005–009.
Applicants: Wind Capital Holdings, LLC, Wildcat Wind, LLC, Tuana Springs Energy, LLC, Shooting Star Wind Project, LLC, Safe Harbor Water Power Corporation, PECO Energy Company, Michigan Wind 1, LLC, Michigan Wind 2, LLC, Harvest II Wind Farm, LLC, Harvest WindFarm, LLC, Handsome Lake Energy, LLC, Exelon Wyman, LLC, Exelon Wind 4, LLC, Exelon West Medway, LLC, Exelon New England Power Marketing, LP, Exelon New Boston, LLC, Exelon Generation Company, LLC, Exelon Generation Company, LLC, Exelon Framingham, LLC, Exelon Energy Company, Criterion Power Partners, LLC, CR Clearing, LLC, Cow Branch Wind Power, L.L.C., Constellation Power Source Generation LLC, Constellation NewEnergy, Inc., Constellation Mystic Power, LLC, Constellation Energy Commodities Group Maine, LLC, Constellation Energy Commodities Group, Inc. Commonwealth Edison Company, CER Generation II, LLC, CER Generation, LLC, Cassia Gulch Wind Park, Beebe Renewable Energy, LLC, Baltimore Gas and Electric Company, AV Solar Ranch 1, LLC.
Description: Notice of Non-Material Change in Status of Exelon MBR Entities.
Filed Date: 10/12/12.
Accession Number: 20121012–5168.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER12–2250–000; ER12–2251–000; ER12–2252–000; ER12–2253–000.
Applicants: Public Power & Utility of New Jersey, LLC, Public Power & Utility of NY, Inc., Public Power (PA), LLC, Public Power & Utility of Maryland, LLC.
Description: Public Power & Utility of New Jersey, LLC, et al. submit Refund Reports.
Filed Date: 10/15/12.
Accession Number: 20121015–5120.
Comments Due: 5 p.m. ET 11/5/12.

Docket Numbers: ER12–2414–002.
Applicants: New York Independent System Operator, Inc.
Description: NYISO Filing to Correct Tariff Base to be effective 6/22/2012.
Filed Date: 10/12/12.
Accession Number: 20121012–5147.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER12–2536–001.
Applicants: Frontier El Dorado Refining LLC.
Description: Amendment to MBR Application to be effective 1/1/2013.
Filed Date: 10/12/12.
Accession Number: 20121012–5148.
Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER12–2668–001.
Applicants: Arizona Public Service Company.

Description: APS Rate Schedule No. 261, SRSG Participation Agreement to be effective 12/28/2011.

Filed Date: 10/12/12.

Accession Number: 20121012–5123.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–115–000.

Applicants: Flat Ridge 2 Wind Energy LLC.

Description: Updated Market-Based Rate Tariff Update to be effective 12/11/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5121.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–116–000.

Applicants: American Electric Power Service Corporation, PJM Interconnection, L.L.C.

Description: AEPSC submits 35th Revised SA No. 1336 among AEPSC & Buckeye to be effective 9/17/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5122.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–117–000.

Applicants: New York Independent System Operator, Inc.

Description: NYISO Filing to Defer Effective Date of Tariff Revisions to be effective 11/16/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5124.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–118–000.

Applicants: Southwest Power Pool, Inc.

Description: Revisions to Lincoln Electric System Formula Rate Template to be effective 10/1/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5140.

Comments Due: 5 p.m. ET 11/2/12.

Docket Numbers: ER13–119–000.

Applicants: Cheyenne Light, Fuel and Power Company.

Description: Baseline OATT to be effective 10/13/2012.

Filed Date: 10/12/12.

Accession Number: 20121012–5144.

Comments Due: 5 p.m. ET 11/2/12.

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: October 15, 2012.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2012–25884 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Compliance Filings

	Docket Nos.
Northwestern Corporation (South Dakota).	ER13–62–000
PacificCorp	ER13–64–000
Deseret Generation & Transmission Cooperative, Inc..	ER13–65–000
Northwestern Corporation (Montana).	ER13–67–000
Portland General Electric Company.	ER13–68–000
Public Service Company of Colorado.	ER13–75–000
Terra-Gen Dixie Valley, LLC	ER13–76–000
Tucson Electric Power Company.	ER13–77–000
UNS Electric, Inc.	ER13–78–000
Public Service Company of New Mexico.	ER13–79–000
Tampa Electric Company	ER13–80–000
Arizona Public Service Company.	ER13–82–000
Duke Energy Carolinas LLC Carolina Power & Light Company.	ER13–83–000
Cleco Power LLC	ER13–84–000
Maine Public Service Company.	ER13–85–000
Florida Power Corporation	ER13–86–000
San Diego Gas & Electric Company.	ER13–87–000
Alcoa Power Generating, Inc. (Yadkin Division).	ER13–88–000
MidAmerican Energy Company.	ER13–89–000
El Paso Electric Company	ER13–91–000
Avista Corporation	ER13–93–000
Avista Corporation	ER13–94–000
Entergy Arkansas, Inc.	ER13–95–000
Black Hills Power, Inc. Basin Electric Power Cooperative. Powder River Electric Cooperative.	ER13–96–000
Black Hills Colorado Electric Utility Company.	ER13–97–000
Puget Sound Energy, Inc.	ER13–99–000
Kansas City Power & Light Company. KCP&L Greater Missouri Operations Company.	ER13–100–000
American Transmission Company.	ER13–101–000
New York Independent System Operator, Inc..	ER13–102–000
California Independent System Operator Corporation.	ER13–103–000
Florida Power & Light Company.	ER13–104–000
NV Energy, Inc	ER13–105–000
South Carolina Electric & Gas Company.	ER13–107–000 ER13–107–001
Alcoa Power Generating, Inc. (Long Sault Division).	ER13–108–000
Cheyenne Light, Fuel and Power Company.	ER13–120–000
Idaho Power Company	ER13–127–000
Bonneville Power Administration.	NJ13–1–000
Orlando Utilities Commission	NJ13–2–000

Take notice that on October 10, 2012, October 11, 2012, and October 12, 2012, Northwestern Corporation (South Dakota), PacificCorp, Deseret Generation & Transmission Cooperative, Inc., Northwestern Corporation (Montana), Portland General Electric Company, Public Service Company of Colorado, Terra-Gen Dixie Valley, LLC, Tucson Electric Power Company, UNS Electric, Inc., Public Service Company of New Mexico, Tampa Electric Company, Arizona Public Service Company, Duke Energy Carolinas LLC, Carolina Power & Light Company, Cleco Power LLC, Maine Public Service Company, Florida Power Corporation, San Diego Gas & Electric Company, Alcoa Power Generating, Inc. (Yadkin Division), MidAmerican Energy Company, El Paso Electric Company, Avista Corporation, Entergy Arkansas, Inc., Black Hills Power, Inc., Basin Electric Power Cooperative, Powder River Electric Cooperative, Black Hills Colorado Electric Utility Company, Puget Sound Energy, Inc., Kansas City Power & Light Company, KCP&L Greater Missouri Operations Company, American Transmission Company, New York Independent System Operator, Inc., California Independent System Operator Corporation, Florida Power & Light Company, NV Energy, Inc, South Carolina Electric & Gas Company, Alcoa Power Generating, Inc. (Long Sault Division), Cheyenne Light, Fuel and Power Company, Idaho Power Company, Bonneville Power Administration, and Orlando Utilities Commission, submitted filings to comply with the requirements of Order Nos. 1000 and 1000–A.[1]

[1] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities,* Order No. 1000, 76 FR 49,842 (Aug. 11,

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: 5:00 p.m. Eastern Time on November 9, 2012. [2]

Dated: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25815 Filed 10–19–12; 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.
A V Solar Ranch 1, LLC	EG12–83–000
Spion Kop Wind, LLC	EG12–84–000
Shiloh IV Wind Project, LLC	EG12–85–000
Chisholm View Wind Project, LLC.	EG12–86–000
Los Vientos Windpower IA, LLC.	EG12–87–000
Los Vientos Windpower IB, LLC.	EG12–88–000
Mehoopany Wind Energy LLC.	EG12–89–000
Russell City Energy Company, LLC.	EG12–90–000
Zephyr Wind, LLC	EG12–91–000
Beebe Renewable Energy, LLC.	EG12–92–000
Spinning Spur Wind, LLC	EG12–93–000
Laurel Hill Wind Energy, LLC.	EG12–94–000
Bobcat Bluff Wind Project, LLC.	EG12–95–000

Take notice that during the month of September 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: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25814 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP12–524–000]

Questar Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed ML 41 Compression Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the ML 41 Compression Project (Project) involving construction and operation of facilities by Questar Pipeline Company (Questar) in Utah and Carbon Counties, Utah. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on November 14, 2012.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Questar provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?''. 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. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Questar proposes to modify existing natural gas facilities on its southern pipeline transmission system in Utah and Carbon Counties, Utah. The Project would provide higher delivery pressures at Questar's existing Payson Gate Meter Station for the downstream Lake Side 2 Power Plant. No incremental capacity would be created from the Project.

The Project would consist of the following facilities in Utah County:

- A second compressor package at its existing Thistle Creek Compressor Station;
- Replacement of approximately 0.9 miles of existing 18-inch-diameter pipeline to establish a higher maximum allowed operating pressure; and
- Metering and ancillary facility upgrades at Questar's existing Payson Gate Meter Station.

In addition, Questar would make piping and meter modifications at its existing Oak Spring Compressor Station in Carbon County.

The general location of the project facilities is shown in appendix 1.[1]

2011), FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g,* Order No. 1000–A, 77 FR 32,184 (May 31, 2012), 139 FERC ¶ 61,132 (2012).

[2] This notice is not being issued in response to any motion for extension of time for the submission of interventions or protests. Specific motions for extension of time will be addressed separately.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this

Continued

Land Requirements for Construction

Construction of the proposed facilities would disturb about 19.2 acres of land for the aboveground facilities and the pipeline. All pipeline and new aboveground facilities would be installed and operated within the boundaries of existing permanent right-of-way or existing facility sites.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed Project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Socioeconomics;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate reasonable alternatives to the proposed Project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with Utah State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before November 14, 2012.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP12–524–000) 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 interested persons to submit brief, text-only comments on a project;

(2) You can 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

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

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 proposed Project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of

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.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *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., CP12–524). 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 now 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.*

Finally, 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.

Dated: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25813 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14449–000]

Archon Energy 1, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 30, 2012, Archon Energy 1, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Kings River Drop 6 Hydroelectric Project (Kings River Drop 6 Project or project) at the Peoples Weir on the Kings River, near the city of Kingsburg in King County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new gated water intake structure and canal adjacent to the north abutment of the existing dam; (2) a 70-foot by 55-foot by 35-foot turbine structure enclosing five 400-kilowatt Archimedes-screw-type turbines, each 13 feet in diameter and 45 feet in length; (3) a 900-foot-long, 12.4-kilovolt primary transmission line connecting the project with Pacific Gas and Electric's transmission lines; and (4) appurtenant facilities. The proposed project would have a capacity of 2.0 megawatts and generate an estimated average of 14,500 megawatt-hours annually by passing stream flow through the powerhouse that normally would pass over the dam.

Applicant Contact: Mr. Paul Grist, Archon Energy 1, Inc., 101 E. Kennedy Blvd., Suite 2800, Tampa, Florida 33602, phone: (403) 618–2018.

FERC Contact: Joseph Hassell; phone: (202) 502–8079.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support 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.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14449) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 16, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25880 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at Southwest Power Pool Regional Entity Trustee, Regional State Committee and Board of Directors Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. (SPP) Regional Entity Trustee (RE), Regional State Committee (RSC) and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

All meetings will be held at the SPP Corporate Offices, 201 Worthen Drive, Little Rock, AR 722111. The phone number is (501) 312–9000.

SPP RE

October 29, 2012 (8:00 a.m.–12:00 p.m.)

SPP RSC

October 29, 2012 (1:00 p.m.–5:00 p.m.)

SPP Board of Directors

October 31, 2012 (8:00 a.m.–3:00 p.m.)

The discussions may address matters at issue in the following proceedings:

Docket No. ER06–451, *Southwest Power Pool, Inc.*
Docket No. ER08–1419, *Southwest Power Pool, Inc.*
Docket No. ER09–659, *Southwest Power Pool, Inc.*
Docket No. ER11–4105, *Southwest Power Pool, Inc.*
Docket No. ER12–140, *Southwest Power Pool, Inc.*
Docket No. ER12–550, *Southwest Power Pool, Inc.*
Docket No. ER12–891, *Southwest Power Pool, Inc.*
Docket No. ER12–909, *Southwest Power Pool, Inc.*
Docket No. ER12–959, *Southwester Power Pool, Inc.*
Docket No. ER12–1017, *Southwest Power Pool, Inc.*
Docket No. ER12–1018, *Southwest Power Pool, Inc.*
Docket No. ER12–1179, *Southwest Power Pool, Inc.*
Docket No. ER12–1401, *Southwest Power Pool, Inc.*
Docket No. ER12–1402, *Southwest Power Pool, Inc.*
Docket No. ER12–1586, *Southwest Power Pool, Inc.*
Docket No. ER12–1772, *Southwest Power Pool, Inc.*
Docket No. ER12–1779, *Southwest Power Pool, Inc.*
Docket No. ER12–1849, *Southwest Power Pool, Inc.*
Docket No. ER12–1974, *Southwest Power Pool, Inc.*
Docket No. ER12–2292, *Southwest Power Pool, Inc.*
Docket No. ER12–2366, *Southwest Power Pool, Inc.*
Docket No. ER12–2387, *Southwest Power Pool, Inc.*
Docket No. ER12–2505, *Southwest Power Pool, Inc.*
Docket No. ER12–2507, *Southwest Power Pool, Inc.*
Docket No. ER12–2525, *Southwest Power Pool, Inc.*
Docket No. ER12–2562, *Southwest Power Pool, Inc.*
Docket No. ER12–2648, *Southwest Power Pool, Inc.*
Docket No. EL12–2, *Southwest Power Pool, Inc.*
Docket No. EL12–47, *Southwest Power Pool, Inc.*
Docket No. EL12–51, *Southwest Power Pool, Inc.*
Docket No. EL12–60, *Southwest Power Pool, Inc., et al.*
Docket No. ER12–1813, *The Empire District Electric Co.*
Docket No. ER12–1071, *Entergy Arkansas, Inc.*
Docket No. EL12–59, *Golden Spread Electric Cooperative, Inc.*
Docket No. ER09–548, *ITC Great Plains, LLC*
Docket No. ER12–1826, *Kansas City Power & Light Co.*
Docket No. ER12–1828, *KCP&L Greater Missouri Operations Co.*
Docket No. ER11–3728, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–480, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1577, *Midwest Independent Transmission System Operator, Inc.*
Docket No. EL11–34, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER09–36, *Prairie Wind Transmission, LLC*
Docket No. ER12–1537, *Public Service Co. of Oklahoma*
Docket No. ER12–1538, *Southwestern Electric Power Co.*
Docket No. ER12–1970, *Southwestern Electric Power Co.*
Docket No. ER09–35, *Tallgrass Transmission, LLC*
Docket No. EL12–28, *Xcel Energy Services Inc., et al.*

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: October 15, 2012.

Kimberly D. Bose,

Secretary.

[FR Doc. 2012–25816 Filed 10–19–12; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Robert D. Willis Hydropower Rate

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of Rate Order.

SUMMARY: Pursuant to Delegation Order Nos. 00–037.00, effective December 6, 2001, and 00–001.00D, effective January 22, 2010, the Deputy Secretary has approved and placed into effect on an interim basis Rate Order No. SWPA–64, which increases the power rate for the Robert Douglas Willis Hydropower Project (Willis) pursuant to the Willis Rate Schedule which supersedes the existing rate schedule.

DATES: The effective period for the rate schedule specified in Rate Order No. SWPA–64 is October 1, 2012, through September 30, 2016.

FOR FURTHER INFORMATION CONTACT: Mr. James K. McDonald, Assistant Administrator, Southwestern Power Administration, Department of Energy, Williams Center Tower I, One West Third Street, Tulsa, Oklahoma 74103, (918) 595–6690, *jim.mcdonald@swpa.gov*

SUPPLEMENTARY INFORMATION: Rate Order No. SWPA–64, which has been approved and placed into effect on an interim basis, increases the power rate for the Willis Project pursuant to the following Rate Schedule:

Rate Schedule RDW–12, Wholesale Rates for Hydro Power and Energy Sold to Sam Rayburn Municipal Power Agency (Contract No. DE–PM75–85SW00117).

The rate schedule supersedes the existing rate schedule shown below:

Rate Schedule RDW–08, Wholesale Rates for Hydro Power and Energy Sold to Sam Rayburn Municipal Power Agency (Contract No. DE–PM75–85SW00117) (superseded by RDW–12).

Southwestern Power Administration's (Southwestern) Administrator has determined, based on the 2012 Willis Current Power Repayment Study, that existing rates will not satisfy cost recovery criteria specified in Department of Energy Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944. The finalized 2012 Willis Power Repayment Studies (PRSs) indicate that an increase in annual revenue of $142,944, or 15.4 percent, beginning October 1, 2012, will satisfy cost recovery criteria for the Willis project. The proposed Willis rate schedule would increase annual revenues from $929,388 to $1,072,332, to recover increased U.S. Army's Corps of Engineers (Corps) investments and replacements in the hydroelectric generating facility and increased operations and maintenance costs.

The Administrator has followed Title 10, Part 903 Subpart A, of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions'' in connection with the proposed rate schedule. On July 10, 2012, Southwestern published notice in the **Federal Register**, (77 FR 40609), of the proposed rate increase for the Willis project. Southwestern provided a 30-day comment period as an opportunity for customers and other interested members of the public to review and comment on the proposed rate increase.

Southwestern did not hold the combined Public Information and Comment Forum (Forum) because Southwestern did not receive any requests to hold the Forum. Two comments were received, one from Brickfield Burchette Ritts and Stone, PC, on behalf of the Sam Rayburn G&T Electric Cooperative, Inc., which stated they had no objection to the proposed rate adjustment. The other comment, on behalf of the Vinton Public Power Authority, also stated no objection to the increased rate proposal.

Information regarding this rate proposal, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Williams Center Tower I, One West Third Street, Tulsa, Oklahoma 74103. Following review of Southwestern's proposal within the Department of Energy, I approved, Rate Order No. SWPA–64, on an interim basis, which increases the existing Robert Douglas Willis rate to $1,072,332 per year for the period October 1, 2012 through September 30, 2016.

Dated: October 15, 2012.

Daniel Poneman,

Deputy Secretary.

UNITED STATES OF AMERICA DEPARTMENT OF ENERGY

DEPUTY SECRETARY OF ENERGY

In the matter of: Southwestern Power Administration Robert D. Willis Hydropower Project Rate)

Rate Order No. SWPA–64

ORDER CONFIRMING, APPROVING AND PLACING INCREASED POWER RATE SCHEDULE IN EFFECT ON AN INTERIM BASIS (October 15, 2012)

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 00–037.00, the Secretary of Energy delegated to the Administrator of Southwestern the authority to develop power and transmission rates, delegated to the Deputy Secretary of the Department of Energy the authority to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Administrator under the delegation. The Deputy Secretary issued this interim rate order pursuant to that delegation.

BACKGROUND

The Robert Douglas Willis Hydropower Project (Willis) (aka: Dam B and later Town Bluff Dam), located on the Neches River in eastern Texas downstream from the Sam Rayburn Dam, was originally constructed in 1951 by the U.S. Army Corps of Engineers (Corps) and provides stream flow regulation of releases from the Sam Rayburn Dam. The Lower Neches Valley Authority contributed funds toward construction of both projects and makes established annual payments for the right to withdraw up to 2000 cubic feet of water per second from the Willis project for its own use. Power was legislatively authorized at the project, but installation of hydroelectric facilities was deferred until justified by economic conditions. A determination of feasibility was made in a 1982 Corps study. In 1983, the Sam Rayburn Municipal Power Agency (SRMPA) proposed to sponsor and finance the development of hydropower at the Willis project in return for the output of the project to be delivered to its member municipalities and participating member cooperatives of the Sam Rayburn Dam Electric Cooperative.

The Willis rate excludes the costs associated with the hydropower design and construction performed by the Corps, because all funds for these costs were provided by SRMPA. Under the Southwestern/SRMPA power sales Contract No. DE–PM75–85SW00117, SRMPA will continue to pay all annual operating and maintenance costs, as well as expected capital replacement costs, through the rate paid to Southwestern, and will receive all power and energy produced at the project for a period of 50 years.

FERC confirmation and approval of the current Willis rate schedule was provided in FERC Docket No. EF08–4081–000 issued on April 27, 2009, (127 FERC ¶ 62,072) effective for the period October 1, 2008, through September 30, 2012.

DISCUSSION

Southwestern prepared a 2012 Current Power Repayment Study (PRS) which indicated that the existing rate would not satisfy present financial criteria regarding repayment of investment within a 50-year period due to increased U.S. Army Corps of Engineers (Corps) investments, replacements and operations and maintenance expenses in the hydroelectric generating facilities. The Revised PRS indicated the need for a 15.4 percent revenue increase. These preliminary results which presented the basis for the proposed revenue increase were provided to the customers for their review prior to the formal process.

The final 2012 Revised PRS indicates that an increase in annual revenues of $142,944 (15.4 percent) is necessary beginning October 1, 2012, to accomplish repayment in the required number of years. Accordingly, Southwestern has prepared a proposed rate schedule based on the additional revenue requirement to ensure repayment.

Southwestern conducted the rate adjustment proceeding in accordance with Title 10, Part 903, Subpart A of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions.'' More specifically, opportunities for public review and comment during a 30-day period on the proposed Willis power rate were announced by a *Federal Register* notice published on July 10, 2012 (77 FR 40609). The combined Public Information and Comment Forum scheduled for July 31, 2012, in Tulsa, Oklahoma was canceled because Southwestern did not receive any requests that the forum be held. Southwestern provided the *Federal Register* notice, together with any requested supporting data, to the customer and interested parties for review and comment during the public comment period. In response to concerns by Southwestern's customers during an informal participation process prior to the formal participation process, Southwestern is increasing revenue in two steps over a two-year period. Since our current rates are sufficient to recover all average operation and maintenance expenses during the next two years, our ability to meet both annual and long-term repayment criteria is satisfied by increasing revenues in steps over the period.

The first step of the rate increase, beginning October 1, 2012, would incorporate one half of the required revenue or 7.7 percent ($71,472). The second step of the rate increase, beginning October 1, 2013, and ending on September 30, 2016, would incorporate the remaining one half of the revenue requirement ($71,472 or 7.7 percent). Southwestern will continue to perform its Power Repayment Studies annually, and if the 2013 results should indicate the need for additional revenues, another rate filing will be conducted and updated revenue requirements implemented for FY 2013 and thereafter.

Following the conclusion of the comment period on August 9, 2012, Southwestern finalized the PRS and rate schedule for the proposed annual rate of $1,072,332 which is the lowest possible rate needed to satisfy repayment criteria. This rate represents an annual increase of 15.4 percent. The Administrator made the decision to submit the rate proposal for interim approval and implementation.

COMMENTS AND RESPONSES

Southwestern received two comments during the public comment period. Both comments, one on behalf of the Sam Rayburn G&T Electric Cooperative, Inc., the other on behalf of the Vinton Public Power Authority, expressed no objection to the final proposed rate.

AVAILABILITY OF INFORMATION

Information regarding this rate increase, including studies, comments and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, One West Third Street, Tulsa, OK 74103.

ADMINISTRATION'S CERTIFICATION

The 2012 Willis Revised PRS indicates that the increased power rate of $1,072,332 will repay all costs of the project including amortization of the power investment consistent with the provisions of Department of Energy Order No. RA 6120.2. In accordance with Delegation Order No. 00–

037.00 (December 6, 2001), and Section 5 of the Flood Control Act of 1944, the Administrator has determined that the proposed System rates are consistent with applicable law and the lowest possible rates consistent with sound business principles.

ENVIRONMENT

The environmental impact of the rate increase proposal was evaluated in consideration of DOE's guidelines for implementing the procedural provisions of the National Environmental Policy Act and was determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment.

ORDER

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective October 1, 2012 through September 30, 2016, the annual Robert Douglas Willis Hydropower rate of $1,072,332 for the sale of power and energy from the Robert Douglas Willis project to the Sam Rayburn Municipal Power Agency, under Contract No. DE–PM75–85SW00117, as amended. This rate shall remain in effect on an interim basis through September 30, 2016, or until the FERC confirms and approves the rate on a final basis.

Dated: October 15, 2012.

Daniel Poneman,

Deputy Secretary.

UNITED STATES DEPARTMENT OF ENERGY

SOUTHWESTERN POWER ADMINISTRATION

RATE SCHEDULE RDW–12 [1]

WHOLESALE RATES FOR HYDRO POWER AND ENERGY SOLD TO SAM RAYBURN MUNICIPAL POWER AGENCY

(CONTRACT NO. DE–PM75–85SW00117)

Effective:

During the period October 1, 2012, through September 30, 2016, in accordance with interim approval from Rate Order No. SWPA–64 issued by the Deputy Secretary of Energy on October 15, 2012 and pursuant to final approval by the Federal Energy Regulatory Commission.

Applicable:

To the power and energy purchased by Sam Rayburn Municipal Power Agency (SRMPA) from the Southwestern Power Administration (Southwestern) under the terms and conditions of the Power Sales Contract dated June 28, 1985, as amended, for the sale of all Hydro Power and Energy generated at the Robert Douglas Willis Hydropower Project (Robert D. Willis) (formerly designated as Town Bluff).

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 Hertz, at the nominal voltage, at the point of delivery, and in such quantities as are specified by contract.

1. Wholesale Rates, Terms, and Conditions for Hydro Power and Energy

1.1 These rates shall be applicable regardless of the quantity of Hydro Power and Energy available or delivered to SRMPA; *provided, however,* that if an Uncontrollable Force prevents utilization of both of the project's power generating units for an entire billing period, and if during such billing period water releases were being made which otherwise would have been used to generate Hydro Power and Energy, then Southwestern shall, upon request by SRMPA, suspend billing for subsequent billing periods, until such time as at least one of the project's generating units is again available.

1.2 The term ''Uncontrollable Force,'' as used herein, shall mean any force which is not within the control of the party affected, including, but not limited to, failure of water supply, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, riot, civil disturbance, labor disturbance, sabotage, war, acts of war, terrorist acts, or restraint by court of general jurisdiction, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid.

1.3 Hydro Power Rates, Terms, and Conditions

1.3.1 Monthly Charge for the Period of October 1, 2012 through September 30, 2013

$83,405 per month ($1,000,860 per year) for Robert D. Willis Hydro Power and Energy purchased by SRMPA from October 1, 2012, through September 30, 2013.

1.3.2 Monthly Charge for the Period of October 1, 2013 through September 30, 2016

$89,361 per month ($1,072,332 per year) for Robert D. Willis Hydro Power and Energy purchased by SRMPA from October 1, 2013, through September 30, 2016.

[FR Doc. 2012–25905 Filed 10–19–12; 8:45 am]

BILLING CODE 6450–01–P

[1] Supersedes Rate Schedule RDW–08

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0529; FRL–9523–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Mercury (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 21, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0529, to: (1) EPA online, using www.regulations.gov (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0529, which is available for public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index

listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Mercury (40 CFR Part 61, Subpart E) (Renewal).

ICR Numbers: EPA ICR Number 0113.11, OMB Control Number 2060–0097.

ICR Status: This ICR is scheduled to expire on November 30, 2012. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 61, subpart E.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 160 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of stationary sources which process mercury ore to recover mercury

Estimated Number of Respondents: 107.

Frequency of Response: Initially, semiannually and annually.

Estimated Total Annual Hour Burden: 20,490.

Estimated Total Annual Cost: $1,984,018, which includes $1,984,018 in labor costs, no capital/startup costs and no operating and maintenance costs.

Changes in the Estimates: There is no change in the burden hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

There is an increase in costs for both the respondents and the Agency from the most recently approved ICR. The increase in burden cost is due to an increase in labor rates. This ICR uses updated labor rates from the Bureau of Labor Statistics to calculate burden costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–25918 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2011–0778; FRL–9523–1]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs.

DATES: Additional comments may be submitted on or before November 21, 2012.

ADDRESSES: Submit your comments, referencing docket ID Number EPA–HQ–OPPT–2011–0778 to (1) EPA online using www.regulations.gov (our preferred method), by email to *oppt.ncic@epa.gov* or by mail to: Pollution Prevention and Toxics Docket, Environmental Protection Agency Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Pamela Myrick, Deputy Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mail code: 7408–M, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 9, 2012 (77 FR 21096), EPA sought comments on this renewal pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA EPA–HQ–OPPT–2011–0778, which is available for online viewing at *http://www.regulations.gov,* or in person inspection at the OPPT Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Pollution Prevention and Toxics Docket is 202–566–0280. Use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above.

EPA's policy is that public comments, whether submitted electronically or in

paper, will be made available for public viewing in *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in *www.regulations.gov.* The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in *www.regulations.gov.* For further information about the electronic docket, go to *www.regulations.gov.*

Title: TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals.

ICR Status: This is a request to renew an existing approved collection. This ICR is scheduled to expire on November 30, 2012. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: Section 5 of the Toxic Substances Control Act (TSCA) provides EPA with a regulatory mechanism to monitor and, if necessary, control significant new uses of chemical substances. Section 5 authorizes EPA to determine by rule (i.e., a significant new use rule or SNUR), after considering all relevant factors, that a use of a chemical substance represents a significant new use. If EPA determines that a use of a chemical substance is a significant new use, section 5 requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the substance for that use.

EPA uses the information obtained through this collection to evaluate the health and environmental effects of the significant new use. EPA may take regulatory actions under TSCA section 5, 6 or 7 to control the activities for which it has received a SNUR notice. These actions include orders to limit or prohibit the manufacture, importation, processing, distribution in commerce, use or disposal of chemical substances. If EPA does not take action, section 5 also requires EPA to publish a **Federal Register** notice explaining the reasons for not taking action. This information collection addresses the reporting and recordkeeping requirements inherent in TSCA section 5 significant new use rules.

Responses to the collection of information are mandatory (see 40 CFR part 721). Respondents may claim all or part of a notice as CBI. EPA will disclose information that is covered by a CBI claim only to the extent permitted by, and in accordance with, the procedures in 40 CFR part 2.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 8.1 hours per response. Burden is defined in 5 CFR 1320.3(b).

Respondents/Affected Entities: Entities potentially affected by this ICR are companies that manufacture, process, import, or distribute in commerce chemical substances or mixtures.

Frequency of Collection: On occasion.

Estimated Number of Respondents: 53.

Estimated Total Annual Burden on Respondents: 736 hours.

Estimated Total Annual Costs: $63,799.

Changes in Burden Estimates: There is a decrease of 440 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This change reflects updates to the number of affected sites and responses and the correction of estimates in the previous ICR. More details on the changes are outlined in the Supporting Statement. The change is an adjustment.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–25920 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0518; FRL–9523–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Metal Furniture Surface Coating (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 21, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0518, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0518, which is available for either public viewing online at either *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov*.

Title: NESHAP for Metal Furniture Surface Coating (Renewal).

ICR Numbers: EPA ICR Number 1952.05, OMB Control Number 2060–0518.

ICR Status: This ICR is scheduled to expire on October 31, 2012. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart RRRR.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 109 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Metal furniture surface coating facilities.

Estimated Number of Respondents: 583.

Frequency of Response: Initially, occasionally and semiannually.

Estimated Total Annual Hour Burden: 190,408.

Estimated Total Annual Cost: $22,472,732, which includes $21,773,132 in labor costs, no capital/startup costs, and $699,600 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. However, there is an increase in the cost-per-hour labor costs due to the updated labor rates. This ICR uses the most recently available labor rates in all burden calculations.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–25921 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0526; FRL–9523–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Aluminum, Copper and Other Non-Ferrous Metals Foundries (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 21, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0526, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 FR 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0526, which is available for public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NESHAP for Aluminum, Copper and Other Non-ferrous Metals Foundries

ICR Numbers: EPA ICR Number 2332.03, OMB Control Number 2060–0630

ICR Status: This ICR is scheduled to expire on October 31, 2012. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart ZZZZZZ.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 164 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Aluminum, copper and other non-ferrous metal foundries.

Estimated Number of Respondents: 318.

Frequency of Response: Initially and occasionally.

Estimated Total Annual Hour Burden: 10,482.

Estimated Total Annual Cost: $1,015,005, which includes $1,015,005 in labor costs, and neither capital/startup costs nor operating and maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden hours and cost for the respondents as currently identified in the OMB Inventory of Approved Burdens. This is not due to any program changes. The increase in burden hours and costs is due the fact that the rule is now fully implemented and all effected entities are required to comply with the rule on an annual basis. Furthermore, this ICR uses adjustment labor rates which also increase the burden costs for all labor categories.

There is an adjustment decrease in the total burden hours and cost for the Agency as currently identified in the OMB Inventory of Approved Burdens. The burden hours and costs have decreased since the last ICR because the Agency is no longer expected to conduct activities associated with initial compliance. This ICR uses updated labor rates in estimating the burden costs for all labor categories.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–25922 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0530; FRL–9523–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Metal Furniture Coating (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before November 21, 2012.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2012–0530, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460; and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On August 9, 2012 (77 *FR* 47631), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to both EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2012–0530, which is available for public viewing online at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue 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 Reading Room is (202) 566–1744, and the telephone number for the

Enforcement and Compliance Docket is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to either submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidentiality of Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NSPS for Metal Furniture Coating (40 CFR Part 60, Subpart EE) (Renewal)

ICR Numbers: EPA ICR Number 0649.11, OMB Control Number 2060–0106

ICR Status: This ICR is scheduled to expire on November 30, 2012. Under OMB regulations, the Agency may continue to either conduct or sponsor the collection of information while this submission is pending at OMB.

Abstract: The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart EE.

Owners or operators of the affected facilities must make an initial notification, performance tests, periodic reports, and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are also required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 58 hours per response. ''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of metal furniture surface coating facilities.

Estimated Number of Respondents: 400.

Frequency of Response: Initially, occasionally and semiannually.

Estimated Total Annual Hour Burden: 56,074.

Estimated Total Annual Cost: $6,269,572, which includes $5,429,572 in labor costs, no capital/startup costs, and $840,000 in operation and maintenance (O&M) costs.

Changes in the Estimates: There is no change in the burden hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

There is an increase in costs for both the respondents and the Agency from the most recently approved ICR. The increase in burden cost is due to an increase in labor rates. This ICR uses updated labor rates from the Bureau of Labor Statistics to calculate burden costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2012–25919 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

Proposed Administrative Agreement for Collection of CERCLA Past Costs

AGENCY: U.S Environmental Protection Agency (U.S. EPA).

ACTION: Notice. Proposed CERCLA 122 Administrative Agreement.

SUMMARY: U.S. EPA is proposing to execute an Administrative Agreement (Agreement) under Section 122 of CERCLA for collection of a percentage of past response costs at the Ultimate Industries, Inc. Site. Respondent has agreed to pay $8,000 out of total past costs of approximately $83,776.10, in return for a covenant not to sue and contribution protection from U.S. EPA. U.S. EPA today is proposing to execute this Agreement because it achieves collection of a reasonable percentage of total Site costs.

DATES: Comments on this proposed settlement must be received by November 21, 2012.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: Ms. Cheryl Allen, Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 353–6196.

It is recommended that you contact Ms. Allen at (312) 353–6196 before visiting the Region 5 Office.

Comments on this proposed settlement should be addressed to: Ms. Cheryl Allen, Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P–19J), Chicago, Illinois 60604, (312) 353–6196.

Please submit an original and three copies, if possible.

FOR FURTHER INFORMATION CONTACT: Ms Cheryl Allen, Office of Public Affairs, at 312 353–6196.

SUPPLEMENTARY INFORMATION: The Site is a closed decorative landscaping rocks and waterfalls manufacturing facility and brick warehouse in a residential neighborhood, located in Sandusky, Erie County, Ohio. The site was discovered by Ohio EPA (OEPA) between 2005 and 2007. During that time OEPA took legal action against Ultimate Industries, Inc. (Ultimate), the owner-operator potentially responsible party. Subsequently, Ultimate discontinued business in June 2004 and the owners, Mr. James Roberts and Mr. Thomas Roberts, filed for personal bankruptcy. Under the proposed Agreement, Citizens Banks, current Settling Party, held a mortgage interest on the business and property. Citizens Bank foreclosed on the mortgage in May 2005 and purchased the Site property in May 2006. In September 2006, Citizens Bank sought a court order to have the Site property sale set aside. A state of Ohio court granted this motion in January 2007.

A 30-day period, beginning on the date of publication, is open pursuant to section 122(i) of CERCLA for comments on the proposed Administrative Agreement. Comments should be sent to Ms. Cheryl Allen of the Office of Public Affairs (P–19J), U.S. Environmental Protection Agency, Region V, 77W.

Jackson Boulevard, Chicago, Illinois 60604.

Thomas Turner,

Associate Regional Counsel, United States Environmental Protection Agency.

[FR Doc. 2012–25974 Filed 10–19–12; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Addition to Agenda for October 17, 2012 Open Meeting

October 16, 2012.

The following presentation has been added to the list of Agenda items scheduled for the Wednesday, October 17, 2012, Open Meeting and previously listed in the Commission's Notice of October 10, 2012.

Wireless Carrier Usage Alerts To Prevent Bill Shock

• Pursuant to CTIA's revision to its Code of Conduct for Wireless Service last year, October 17, 2012 is the deadline by which the participating CTIA member wireless carriers must provide their subscribers with at least two of the specified four types of alerts to allow consumers to avoid unexpected charges for wireless usage exceeding their plan limits, and for additional charges for international roaming. The Consumer and Governmental Affairs Bureau will provide a status report of the participating carriers' compliance with this requirement.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–26036 Filed 10–18–12; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Deletion of Agenda Item for October 17, 2012 Open Meeting

October 15, 2012.

The following item has been deleted from the list of Agenda items scheduled for consideration at the Wednesday, October 17, 2012, Open Meeting and previously listed in the Commission's Notice of October 10, 2012.

Item No.	Bureau	Subject
1	INTERNATIONAL	*Title:* Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112); Amendment of Part 43 of the Commission's Rules *Summary:* The Commission will consider a Second Report and Order to streamline reporting requirements for international phone traffic, significantly reducing overall filing burdens while ensuring collection of the data needed to protect consumers and competition in international markets.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–26037 Filed 10–18–12; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting; Wednesday, October 17, 2012

October 10, 2012.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, October 17, 2012. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item Nos.	Bureau	Subject
1	INTERNATIONAL	*Title:* Reporting Requirements for U.S. Providers of International Telecommunications Services (IB Docket No. 04–112); Amendment of Part 43 of the Commission's Rules. *Summary:* The Commission will consider a Second Report and Order to streamline reporting requirements for international phone traffic, significantly reducing overall filing burdens while ensuring collection of the data needed to protect consumers and competition in international markets.
2	CONSUMER & GOVERNMENTAL AFFAIRS.	*Title:* Implementation of the Middle Class Tax Relief and Job Creation Act of 2012 (CG Docket No. 12–129); Establishment of a Public Safety Answering Point Do-Not-Call Registry. *Summary:* The Commission will consider a Report and Order that protects Public Safety Answering Points (PSAPs) from autodialed calls, which can tie up emergency-service telephone lines, by adopting rules that create a do-not-call registry of PSAP telephone numbers, prohibit autodialed non-emergency calls to those numbers, and implement specific monetary penalties for autodialing or disclosing registered PSAP numbers. These rules are mandated by the Middle Class Tax Relief and Job Creation Act of 2012.
3	OFFICE OF ENGINEERING & TECHNOLOGY, INTERNATIONAL & WIRELESS TELE-COMMUNICATIONS.	*Title:* Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band (WT Docket No. 07–293); Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band (IB Docket No. 95–91). *Summary:* The Commission will consider an Order on Reconsideration that revises the WCS rules to facilitate use of 30 megahertz of spectrum for wireless broadband service while protecting SDARS against harmful interference.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of

the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc., (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com.*

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2012–26060 Filed 10–18–12; 4:15 pm]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 6, 2012.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Anderson Volunteer Holdings, LP, Chattanooga, Tennessee, and its general partners, Robert R. Anderson and Doralynn Elizabeth Garrison Anderson,* both of Longboat Key, Florida; to acquire voting shares of First Volunteer Corporation, and thereby indirectly acquire voting shares of First Volunteer Bank, both of Chattanooga, Tennessee.

B. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Paul Arnold Domke and Scott Allen Domke, both of Tulare, South Dakota; Rodney Domke, Highmore, South Dakota; and Naomi Ruth Reinhardt, Wessington, South Dakota;* individually and as a group acting in concert, to acquire voting shares of Wessington Bankshares, Inc., Wessington, South Dakota, and thereby indirectly acquire voting shares of Heartland State Bank, Redfield, South Dakota.

Board of Governors of the Federal Reserve System, October 17, 2012.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2012–25887 Filed 10–19–12; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 121–0132]

Watson Pharmaceuticals, Inc., Actavis Inc., Actavis Pharma Holding 4 ehf., and Actavis S.a.r.l.; Analysis of Agreement Containing Consent Orders To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 14, 2012.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/watsonactavisconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Watson Actavis, File No. 121 0132'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/watsonactavisconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Lisa De Marchi Sleigh (202–326–2535), FTC, Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 15, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 14, 2012. Write ''Watson Actavis, File No. 121 0132'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's

license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/watsonactavisconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Watson Actavis, File No. 121 0132'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 14, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Watson Pharmaceuticals, Inc. (''Watson'') and Actavis Inc., Actavis Pharma Holding 4 ehf., and Actavis S.à.r.l. (together, ''Actavis'') that is designed to remedy the anticompetitive effects in twenty-one pharmaceutical markets resulting from Watson's acquisition of Actavis. Under the terms of the proposed Consent Agreement, the companies would be required to divest to Par Pharmaceutical, Inc. (''Par'') all of Watson's rights and assets relating to (1) generic adapalene and benzoyl peroxide topical gel; (2) generic extended release morphine sulfate capsules; (3) generic extended release oxymorphone non-tamper resistant tablets; and (4) generic extended release amphetamine salts capsules; as well as all of Actavis's rights and assets relating to the following generic products: (1) Extended release diltiazem hydrochloride capsules (generic Cardizem CD); (2) fentanyl transdermal system; (3) extended release glipizide tablets; (4) extended release methylphenidate hydrochloride tablets; (5) ursodiol tablets; (6) metoclopramide hydrochloride tablets; (7) extended release oxycodone tamper resistant tablets; (8) extended release nifedipine tablets; (9) extended release rivastigmine film; and (10) varenicline tartrate tablets. The companies would also be required to divest to Sandoz International GmbH (''Sandoz''), a subsidiary of Novartis AG (''Novartis''), all of Watson's rights and assets relating to generic dextromethorphan hydrobromide and quinidine sulfate capsules, as well as all of Actavis's rights and assets to (1) generic extended release bupropion hydrochloride tablets; (2) generic extended release diltiazem hydrochloride capsules (generic Tiazac); and (3) generic lorazepam tablets. The companies would also be required to waive all of Actavis's rights in generic isradipine capsules and generic loxapine succinate capsules. In addition, the proposed Consent Agreement requires Watson to amend a Development and Manufacturing Agreement with Pfizer, Inc. (''Pfizer'') relating to the manufacture of extended release morphine sulfate and naltrexone combination capsules.

The proposed Consent Agreement has been placed on the public record for thirty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the proposed Consent Agreement and the comments received and will decide whether it should withdraw from the proposed Consent Agreement, modify it, or make final the Decision and Order (''Order'').

Pursuant to a Sale and Purchase Agreement dated as of April 25, 2012, Watson proposes to acquire Actavis in a transaction valued at approximately $5.9 billion (''Proposed Acquisition''). The Commission's Complaint alleges that the Proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening current and future competition in U.S. markets for the following generic pharmaceutical products: (1) Extended release bupropion hydrochloride tablets; (2) extended release diltiazem hydrochloride capsules (generic Cardizem CD); (3) fentanyl transdermal system; (4) lorazepam tablets; (5) metoclopramide hydrochloride tablets; (6) extended release morphine sulfate capsules; (7) extended release nifedipine tablets; (8) extended release amphetamine salts capsules; (9) extended release diltiazem hydrochloride capsules (generic Tiazac); (10) extended release oxymorphone non-tamper resistant tablets; (11) extended release glipizide tablets; (12) isradipine capsules; (13) loxapine succinate capsules; (14) extended release methylphenidate hydrochloride tablets; (15) ursodiol tablets; (16) adapalene and benzoyl peroxide topical gel; (17) dextromethorphan hydrobromide and quinidine sulfate capsules; (18) extended release morphine sulfate and naltrexone combination capsules; (19) extended release oxycodone tamper resistant tablets; (20) extended release rivastigmine film; and (21) varenicline tartrate tablets (collectively, the ''Products''). The proposed Consent Agreement will remedy the alleged violations by replacing the competition that would otherwise be eliminated by the acquisition.

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

The Products and Structure of the Markets

The Proposed Acquisition would reduce the number of suppliers in each of the relevant markets. In human pharmaceutical product markets with generic competition, price generally decreases as the number of generic competitors increases. Accordingly, the reduction in the number of suppliers within each relevant market has a direct and substantial effect on pricing.

The Proposed Acquisition would reduce current competition in the markets for each of the following generic products: (1) Extended release bupropion hydrochloride tablets; (2) extended release diltiazem hydrochloride capsules (generic Cardizem CD); (3) fentanyl transdermal system; (4) lorazepam tablets; (5) metoclopramide hydrochloride tablets; (6) extended release morphine sulfate capsules; and (7) extended release nifedipine tablets. The structure of these markets is as follows:

• Extended release bupropion hydrochloride tablets, the generic of Zyban by GlaxoSmithKline plc, are designed to help people quit smoking by reducing cravings and other side effects of withdrawal. Currently, four firms market generic Zyban B Watson, Actavis, Teva Pharmaceutical Industries Ltd. (''Teva''), and Mylan, Inc. (''Mylan''). Thus, the Proposed Acquisition would reduce the number of competitors for generic Zyban from four to three and result in a 45% market share for the combined entity based on 2011 sales. Teva and Mylan had 2011 shares of 53% and 2%, respectively.

• Extended release diltiazem hydrochloride capsules (generic Cardizem CD) are used to treat hypertension, angina, and certain heart rhythm disorders. Currently, four firms market generic Cardizem CD B Watson, Actavis, Teva and Sun Pharmaceutical Industries, Ltd. (''Sun''), which entered in late 2011. Thus, the Proposed Acquisition would reduce the number of competitors for generic Cardizem CD from four to three and result in a 55% market share for the combined entity.

• Fentanyl transdermal system is a patch that releases fentanyl to ease chronic pain and is the generic equivalent of Janssen Pharmaceuticals, Inc.'s (''Janssen's'') branded product, Duragesic. Currently, five firms market generic fentanyl transdermal system B Watson, Actavis, Mylan, Apotex, Inc., and Mallinckrodt, LLC (a division of Covidien plc). Thus, the Proposed Acquisition would reduce the number of competitors for generic Duragesic from five to four and give the combined entity a market share of 34%. Mylan is the market leader with 51% and the remaining two suppliers combined had slightly more than a 10% share.

• Lorazepam, the generic of Ativan by Valeant Pharmaceuticals International, Inc. (''Valeant''), is used to treat anxiety disorders. Currently, five firms market generic lorazepam—Watson, Actavis, Excellium Pharmaceutical, Ltd. (''Excellium''), Mylan, and Ranbaxy Laboratories, Ltd. (''Ranbaxy''). The proposed transaction would reduce the number of competitors for lorazepam from five to four and result in a market share for the combined entity of 53%. Mylan and Ranbaxy had 21% and 16% market shares, respectively, while Excellium had a 1% market share. The remainder of the market is split by repackagers of these competitors' product.

• Metoclopramide hydrochloride is the generic version of Reglan, which is used to treat nausea and is marketed by Ani Pharmaceuticals, Inc. In 2011, Watson, Actavis, and Teva shared approximately 61% of sales. While other suppliers have U.S. Food and Drug Administration (''FDA'') approval to market the drug, they have been exiting the market over the last several years for a variety of reasons, including product liability issues associated with the branded product. Accounting for recent exit, the proposed transaction would reduce the number of competitively significant suppliers of metoclopramide hydrochloride from three to two and give the combined entity a 34% market share.

• Extended release morphine sulfate capsules are the generic equivalent of Actavis's Kadian, which is used to treat acute pain. In addition to owning the branded Kadian product, Actavis also markets an authorized generic version of Kadian. Watson markets the only other generic Kadian available. Thus, absent a remedy, the proposed transaction would create a monopoly in generic extended release morphine sulfate capsules.

• Extended release nifedipine tablets are the generic version of Adalat CC, which is marketed by Bayer AG, and used to treat hypertension and angina. Currently, there are four suppliers of extended release nifedipine tablets in the United States—Watson, Actavis, Mylan, and Valeant, whose product is sold by Teva. Thus, the proposed transaction would reduce the number of suppliers of extended release nifedipine tablets from four to three and result in a combined entity with 31% market share.

In addition to reducing current competition in the seven above-identified markets, the Proposed Acquisition would significantly reduce competition in the markets for each of the following generic products: (1) Extended release amphetamine salts capsules; (2) extended release diltiazem hydrochloride capsules (generic Tiazac); (3) extended release oxymorphone non-tamper resistant tablets; (4) extended release glipizide tablets; (5) isradipine capsules; (6) loxapine succinate capsules; (7) extended release methylphenidate hydrochloride tablets; and (8) ursodiol tablets. Either Watson or Actavis currently markets each of these products, and the other is likely to enter, significantly increasing competition and likely causing price reductions when entry occurs. The structure of each of these markets is as follows:

• Extended release amphetamine salts capsules are the generic version of Adderall XR, manufactured by Shire plc, which is a treatment for attention deficit hyperactivity disorder (''ADHD''). Actavis recently entered this market, joining Teva and Impax Laboratories, Inc., who are marketing authorized generics. Watson is one of a limited number of firms that has an extended release amphetamine salts capsule in development. The proposed transaction would eliminate a likely potential supplier in the concentrated market for generic Adderall XR.

• Extended release diltiazem hydrochloride capsules (generic Tiazac) are used to treat hypertension and angina. Three companies currently market generic Tiazac—Sun, Inwood Laboratories (a wholly-owned subsidiary of Forest Pharmaceuticals, Inc.), and Watson. Actavis is one of a limited number of firms that has a generic extended release diltiazem hydrochloride capsule in development. The proposed transaction would eliminate a likely potential supplier in the concentrated market for generic Tiazac.

• Extended release oxymorphone non-tamper resistant tablets are the generic version of Opana ER, which is used to treat chronic pain. Opana ER is marketed by Endo Health Solutions, Inc. Actavis markets the only generic version of Opana ER in two strengths and is developing additional strengths. Watson is also one of a limited number of firms developing this product. The proposed transaction would eliminate a likely potential supplier in the concentrated market for generic Opana ER.

• Extended release glipizide is an oral diabetes medicine that boosts insulin production to control blood sugar levels. Watson's product and Pfizer, Inc.'s (''Pfizer's'') authorized generic are the only generic versions of the product

currently available. Actavis is one of a limited number of firms that has extended release glipizide in development and the proposed transaction would eliminate a likely potential supplier in the concentrated market for extended release glipizide.

• Isradipine capsules are used to treat high blood pressure and are the generic version of Dynacirc. Branded Dynacirc has been discontinued and Watson manufactures the only generic product available today. Actavis has a marketing and profit-sharing arrangement with the best-positioned entrant, which is a likely potential supplier in the concentrated market for isradipine capsules.

• Loxapine capsules are used to treat the symptoms of schizophrenia and are the generic version of branded Loxatine, which is no longer on the market. Watson manufactures the only generic product available today. Actavis has a profit-sharing arrangement with a best-positioned entrant for this product, which is a likely potential supplier in the concentrated market for generic Loxatine.

• Extended release methylphenidate hydrochloride tablets are the generic equivalent of Concerta, which is manufactured by Janssen and used in the treatment of ADHD in people over the age of six. Watson markets the only generic product as the authorized generic and Actavis is one of a limited number of firms that has an extended release methylphenidate hydrochloride tablet in development. The proposed transaction would eliminate a likely potential supplier in the concentrated market for extended release methylphenidate hydrochloride tablets.

• Depending on the strength, generic ursodiol tablets are the generic version of Urso 250 or Urso Forte and are used to treat primary biliary cirrhosis. Watson currently markets both strengths of generic ursodiol and Actavis is one of a limited number of likely potential suppliers of each of these strengths of ursodiol tablets. The proposed transaction would eliminate a likely potential supplier in the concentrated market for ursodiol tablets for a significant period of time.

The transaction will also reduce future competition in generic markets that do not yet exist, but will be highly concentrated when Watson and Actavis enter. These markets include: (1) Adapalene and benzoyl peroxide topical gel; (2) dextromethorphan hydrobromide and quinidine sulfate capsules; (3) extended release morphine sulfate and naltrexone combination capsules; (4) extended release oxycodone tamper resistant tablets; (5) extended release rivastigmine film; and (6) varenicline tartrate tablets. The structure of each of these markets is as follows:

• The combination of adapalene and benzoyl peroxide is a topical treatment for acne. It is marketed by Galderma Laboratories L.P. under the brand Epiduo. Currently, there are no AB-rated generic versions of Epiduo available in the United States, but Watson and Actavis are two of a limited number of likely potential suppliers of generic Epiduo. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic Epiduo.

• Dextromethorphan hydrobromide and quinidine sulfate capsules are the generic version of Nuedexta and are used to treat pseudobulbar affect, i.e., uncontrolled episodes of crying and/or laughing in people with multiple sclerosis and other neurological diseases. Currently, there are no generic versions of Nuedexta available in the United States. Watson and Actavis are two of a limited number of likely potential suppliers of generic Nuedexta. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic Nuedexta.

• Extended release morphine sulfate and naltrexone combination capsules are the generic equivalent of Pfizer's Embeda, a product used to treat acute pain. Currently, there are no generic versions of Embeda available in the United States. Pfizer recalled the branded product, but plans to return it to market in the near future. Actavis and Pfizer have entered into an exclusive Development and Manufacturing Agreement to manufacture Embeda, and that agreement grants Actavis competitively significant rights (including authorized generic marketing rights). Watson is one of a limited number of likely potential suppliers of generic Embeda. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic Embeda.

• Extended release oxycodone tamper resistant tablets are the generic version of tamper resistant OxyContin, which is used to treat moderate to severe pain that is expected to last for an extended period of time. No generic versions of this product are yet available in the United States. Watson and Actavis are among a limited number of likely potential suppliers of generic OxyContin. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic OxyContin.

• Extended release rivastigmine film is the generic equivalent of Exelon, a patch used to treat Alzheimer's disease and dementia resulting from Parkinson's disease. Novartis markets branded Exelon in the United States. Currently, there are no generic versions of this product in the United States. Watson and Actavis are among a limited number of likely potential suppliers of generic Exelon. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic Exelon.

• Varenicline tartrate tablets are the generic version of Pfizer's Chantix, which is a smoking cessation medicine. Currently, no generic versions of this product are available in the United States. Watson and Actavis are among a limited number of likely potential suppliers of generic Chantix. The proposed transaction would eliminate a likely entrant into what will be a concentrated market for generic Chantix.

Entry

Entry into the markets for the Products would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the acquisition. The combination of drug development times and regulatory requirements, including FDA approval, takes well in excess of two years. And even companies for whom the FDA approval process is well underway face other regulatory barriers, including Hatch-Waxman regulatory exclusivity and pending patent litigation, that limit their ability to enter these markets in a timely manner.

Effects

The Proposed Acquisition would cause significant anticompetitive harm to consumers in the U.S. markets for the Products, either by eliminating significant current or potential competition in concentrated existing markets, or by eliminating significant potential competition among a limited number of competitors in future markets. In pharmaceutical markets with generic competition, price generally decreases as the second, third, fourth, and frequently fifth competitors enter. Although in certain of the markets, neither Watson nor Actavis yet have a marketed product, and in other of the markets, all generic products have yet to be approved, the FDA approval process provides extensive information about the timeliness and likeliness of entry by firms that market generic pharmaceuticals. In addition, substantial experience and empirical

evidence of the impact of multiple generic suppliers on prices for other drugs demonstrate that the likely effects of the Proposed Acquisition in the markets for these products would be substantial. The Proposed Acquisition, by reducing an already limited number of competitors or likely potential competitors in each of these markets, would cause anticompetitive harm to U.S. consumers by increasing the likelihood of higher post-acquisition prices.

The Consent Agreement

The proposed Consent Agreement effectively remedies the Proposed Acquisition's anticompetitive effects in the relevant markets. Pursuant to the Consent Agreement, Watson and Actavis are required to divest either Watson's or Actavis's rights and assets related to eighteen of the twenty-one Products (all but extended release morphine sulfate and naltrexone combination capsules, isradipine capsules, and loxapine succinate capsules) to a Commission-approved acquirer no later than ten days after the acquisition. To remedy the concerns with the three remaining products, the combined entity would also be required to amend Actavis's existing Development and Manufacturing Agreement with Pfizer to eliminate Actavis' right of first refusal to market a potential authorized generic, to allow the relationship to end, and to transfer manufacturing rights back to Pfizer. In addition, the companies are required to waive Actavis's rights related to isradipine capsules and loxapine succinate capsules.

The proposed Consent Agreement requires Watson or Actavis to divest assets related to four of the markets (generic extended release bupropion hydrochloride tablets, generic extended release diltiazem hydrochloride capsules, generic lorazepam tablets, and generic dextromethorphan hydrobromide and quinidine sulfate capsules) to Sandoz, and the rest of the Products (all but extended release morphine sulfate and naltrexone combination capsules, isradipine capsules, and loxapine succinate capsules) to Par. Par is a New Jersey-based generic pharmaceutical company selling over 60 prescription drug product families and has an active product development pipeline. Sandoz is based in Germany and has approximately 200 generic product families in the United States and an active product development pipeline. With their experience in generic markets, Par and Sandoz are expected to replicate the competition that would otherwise be lost with the Proposed Acquisition. Further, the amended supply agreement with Pfizer concerning Embeda will ensure that Pfizer's plans to re-launch Embeda and the ensuing generic competition for that product will remain intact after the Proposed Acquisition. The renouncements of the combined entity's interest in the isradipine and loxapine succinate agreements will similarly preserve competition in each of those markets.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the acquisition. If the Commission determines that Par and/or Sandoz are not acceptable acquirers of the assets to be divested, or that the manner of the divestitures is not acceptable, the parties must unwind the sale to Par and/or Sandoz and divest the products to a Commission-approved acquirer within six months of the date the Order becomes final. In that circumstance, the Commission may appoint a trustee to divest the products if the parties fail to divest the products as required.

The proposed Consent Agreement contains several provisions to help ensure that the divestitures are successful. The Order requires Watson and Actavis to take all action to maintain the economic viability, marketability, and competitiveness of the products to be divested until such time as they are transferred to a Commission-approved acquirer. Watson and Actavis must transfer the manufacturing technology for generic (1) adapalene and benzoyl peroxide topical gel; (2) extended release morphine sulfate capsules; (3) generic extended release oxymorphone non-tamper resistant tablets; (4) extended release amphetamine salts capsules; (5) extended release diltiazem hydrochloride capsules (generic Cardizem CD); (6) fentanyl transdermal system; (7) extended release glipizide tablets; (8) extended release methylphenidate hydrochloride tablets; (9) ursodiol tablets; (10) metoclopramide hydrochloride tablets; (11) extended release oxycodone tamper resistant tablets; (12) extended release nifedipine tablets; (13) extended release rivastigmine film; and (14) varenicline tartrate tablets to Par and must supply Par with extended release morphine sulphate capsules, extended release nifedipine tablets, ursodiol tablets, extended release glipizide tablets, metoclopramide hydrochloride tablets, and extended release diltiazem hydrochloride capsules (generic Cardizem CD). Watson and Actavis must also transfer to Sandoz the manufacturing technology for generic (1) dextromethorphan hydrobromide and quinidine sulfate capsules; (2) extended release bupropion hydrochloride tablets; (3) extended release diltiazem hydrochloride capsules (generic Tiazac); and (4) lorazepam tablets and must supply Sandoz with extended release diltiazem hydrochloride capsules (generic Tiazac) and lorazepam tablets during the transition period.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–25957 Filed 10–19–12; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 091 0094]

Magnesium Elektron; Analysis of Agreement Containing Consent Orders To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 13, 2012.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/magelektronconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Magnesium Elektron, File No. 091 0094'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/magelektronconsent,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600

Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Sebastian Lorigo (202–326–3717), FTC, Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for October 12, 2012), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW, Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before November 13, 2012. Write ''Magnesium Elektron, File No. 091 0094'' on your comment. Your comment B including your name and your state B will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/magelektronconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Magnesium Elektron, File No. 091 0094'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW, Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 13, 2012. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Magnesium Elektron North America, Inc. (''MEL'') to remedy the anticompetitive effects stemming from MEL's acquisition of Revere Graphics Worldwide, Inc. (''Revere''). Under the terms of the proposed Consent Agreement, MEL is required to sell assets used in the development, manufacture, and sale of magnesium plates for photoengraving to Universal Engraving, Inc. (''Universal Engraving'').

In September 2007, MEL acquired the worldwide assets of Revere for approximately $15 million. At the time of the acquisition, both parties manufactured and sold magnesium plates for photoengraving. The Commission's Complaint alleges that the acquisition violates Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the market for magnesium plates for photoengraving.

The proposed Consent Agreement remedies the alleged violation by requiring MEL to provide Universal Engraving with the intellectual property and know-how used to roll and coat magnesium plates for photoengraving applications. In addition, MEL will enter into a supply agreement with Universal Engraving that requires MEL to provide Universal Engraving with magnesium plates for photoengraving until Universal Engraving is able to produce and sell these products on its own. Finally, MEL will enter into a supply agreement with Universal Engraving for chemicals that are used in the magnesium photoengraving process, which Universal Engraving will be able to sell in conjunction with its magnesium plates.

The proposed Consent Agreement has been placed on the public record for thirty days to receive comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will review the Consent Agreement again and any comments received, and decide whether to withdraw from the proposed Consent Agreement, modify it, or make final the accompanying Decision and Order.

II. The Relevant Market and Market Structure

The relevant market within which to analyze the competitive effects of the

acquisition is the worldwide market for magnesium plates for photoengraving. At the time of the acquisition, MEL and Revere were the only manufacturers and sellers of magnesium plate for photoengraving, combining to account for 100 percent of the relevant market.

III. Entry

Entry is not likely to deter or counteract the anticompetitive effects of the acquisition. In order to be suitable for photoengraving applications, magnesium must be rolled and coated to exact and precise specifications. Accordingly, a new entrant would require substantial expertise in order to enter the market. In addition, the market is relatively small, which deters potential entrants from investing in the skill and expertise required for entry.

IV. Effects of the Acquisition

Absent the proposed Consent Agreement, the acquisition would result in further and ongoing competitive harm in the worldwide market for magnesium plates for photoengraving. Prior to the acquisition, MEL and Revere were the only providers of the relevant product. As a result, the acquisition eliminated actual, direct, and substantial competition between MEL and Revere, and resulted in a merger-to-monopoly in the market for magnesium plates for photoengraving.

V. The Consent Agreement

The proposed Consent Agreement remedies the competitive concerns raised by the acquisition by requiring MEL to sell the technology and know-how for manufacturing magnesium plates for photoengraving to Universal Engraving. This divestiture replaces competition that was eliminated as a result of MEL's acquisition of Revere.

Universal Engraving, based in Overland Park, Kansas, is a global leader in the manufacture and sale of products used in the photoengraving process, including brass and copper plates for photoengraving applications. Currently, Universal Engraving does not sell magnesium plates for the photoengraving process. However, under the terms of the proposed Consent Agreement, Universal Engraving will acquire the assets required to compete effectively in that market.

The proposed Consent Agreement also contains several provisions designed to ensure that the divestiture is successful. First, MEL must supply Universal Engraving with magnesium plate now, thereby allowing Universal Engraving to enter the relevant market immediately in competition with MEL. In addition, MEL must provide Universal Engraving with technical assistance related to the manufacture and sale of magnesium plates for photoengraving. Finally, MEL will supply Universal Engraving with chemicals that are used in the photoengraving process, particularly, chemicals that are used to engrave magnesium plates.

If, after the public comment period the Commission determines that Universal Engraving is not an acceptable acquirer of the assets to be divested, or that the manner of the divestitures is not acceptable, MEL must unwind the divestiture and divest the assets within 180 days of the date the Order becomes final to another Commission-approved acquirer. If MEL fails to divest the assets within the 180 days, the Commission may appoint a trustee to divest the relevant assets.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement. This analysis is not intended to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2012–25960 Filed 10–19–12; 8:45 am]

BILLING CODE 6750–01–P

OFFICE OF GOVERNMENT ETHICS

Updated OGE Senior Executive Service Performance Review Board

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the updated OGE Senior Executive Service (SES) Performance Review Board.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Barbara Mullen-Roth, Deputy Director, Office of Government Ethics, Suite 500, 1201 New York Avenue NW., Washington, DC 20005–3917; Telephone: 202–482–9300; TYY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.310 thereof in particular, one or more Senior Executive Service performance review boards. As a small executive branch agency, OGE has just one board. In order to ensure an adequate level of staffing and to avoid a constant series of recusals, the designated members of OGE's SES Performance Review Board are being drawn, as in the past, in large measure from the ranks of other agencies. The board shall review and evaluate the initial appraisal of each OGE senior executive's performance by his or her supervisor, along with any recommendations in each instance to the appointing authority relative to the performance of the senior executive. This notice updates the membership of OGE's SES Performance Review Board as it was most recently published at 76 FR 60840 (September 30, 2011).

Approved: October 11, 2012.

Don W. Fox,

Acting Director, Office of Government Ethics.

The following officials have been appointed members of the SES Performance Review Board of the Office of Government Ethics:

Barbara Mullen-Roth [Chair], Deputy Director, Office of Government Ethics;

Justina Fugh, Senior Counsel for Ethics, Environmental Protection Agency;

Melinda Loftin, Director of Interior Ethics Office, Department of the Interior;

Robert Shapiro, Associate Solicitor for Legal Counsel, Department of Labor;

Edgar Swindell, Associate General Counsel, Department of Health and Human Services; and

Susan Winchell, Assistant General Counsel for Ethics, Department of Education.

[FR Doc. 2012–25882 Filed 10–19–12; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Requirements and Registration for "Health Design Challenge"

AGENCY: Office of the National Coordinator for Health Information Technology, HHS.

Award Approving Official: Farzad Mostashari, National Coordinator for Health Information Technology.

ACTION: Notice.

SUMMARY: Blue Button for America is a collaborative Federal effort led by the Department of Health and Human Services and the Department of Veterans Affairs to ensure everyone across the country gets access to their medical records. By clicking on a Blue Button icon, patients can get their personal health information in an electronic

format—a service that has not been available to most people until very recently. Because of Blue Button, over 1 million Americans have already downloaded their health records from their medical providers and insurance companies, and the number is expected to increase dramatically in the near future.

Being able to access your health information on demand can be lifesaving in an emergency situation, can help prevent medication errors, and can improve care coordination so everyone who is caring for you is on the same page. However, too often health information is presented in an unwieldy and unintelligible way that makes it hard for patients, their caregivers, and their physicians to use. There is an opportunity for talented designers to reshape the way health records are presented to create a better patient experience.

The statutory authority for this challenge competition is Section 105 of the America COMPETES Reauthorization Act of 2010 (Pub. L. 111–358).

DATES: Effective on October 16, 2012. Challenge submission period ends November 30, 2012, 11:59 p.m. et.

FOR FURTHER INFORMATION CONTACT: Adam Wong, 202–720–2866 and Ryan Panchadsaram, 202–690–0099

SUPPLEMENTARY INFORMATION:

Subject of Challenge Competition:

The purpose of this challenge is to improve the design of the medical record so it is more usable by and meaningful to patients, their families, and others who take care of them. This is an opportunity to take the plain-text Blue Button file and enrich it with visuals and a better layout. Innovators will be invited to submit their best designs for a medical record that can be printed and viewed digitally.

This challenge will focus on the content defined by a format called the Continuity of Care Document (CCD). A CCD is a common template used to describe a patient's health history and can be output by electronic medical record (EMR) software. Submitted designs should use the sections and fields found in a CCD. See the resources section on Challenge.gov for a sample CCD.

Challenge entrants will submit a design that:

- Improves the visual layout and style of the information from the medical record.
- Makes it easier for a patient to manage his/her health.
- Enables a medical professional to digest information more efficiently
- Aids a caregiver such as a family member or friend in his/her duties and responsibilities with respect to the patient

Entrants should be conscious of how the wide variety of personas will affect their design. Our healthcare system takes care of the following types of individuals:

- An underserved inner-city parent with lower health literacy.
- A senior citizen that has a hard time reading.
- A young adult who is engaged with technology and mobile devices.
- An adult whose first language is not English.
- A patient with breast cancer receiving care from multiple providers.
- A busy mom managing her kids' health and helping her aging parents.

This challenge is an opportunity for talented individuals to touch the lives of Americans across the country through design. The most innovative designs will be showcased in an online gallery and in a physical exhibit at the Annual ONC Meeting in Washington DC. Winning submissions will receive monetary prizes.

A panel of curators will select a final design (that may combine elements of numerous winning designs) that will be built and open-sourced on the code sharing community Github. Open sourcing the final product will enable EHR developers to improve on it by adding new functionality or creating new styles that serve different patient populations, and to integrate it into actual products.

The Department of Veterans Affairs enthusiastically supports the open-source development of the design because it could enable them to improve MyHealth*e*Vet, the patient portal used by veterans and their families across the country.

Because of the collaborative and open source nature of the challenge, all entries are required to be submitted under a Creative Commons license. This license allows the community to use and adapt the designs while ensuring that the designer receives attribution. More details on the license can be found at *http://creativecommons.org*.

In order for an entry to be eligible to win this Challenge, it must meet the following requirements:

- Deliverable: Must be an image or browser viewable file. The acceptable image formats: .PNG, .JPG, .GIF, .TIFF, .PSD, .AI, and .PDF. The acceptable browser viewable format is .HTML.
- Feasibility: This challenge requires only that the design of the medical record to be submitted. It is not the responsibility of the entrant to build or code a working version of the design. However, the design must be ultimately implementable using HTML, CSS, and JavaScript.
- Data: The design must be built off the data fields found in a Continuity of Care Document (CCD).

Eligibility Rules for Participating in the Competition:

To be eligible to win a prize under this challenge, an individual or entity—

(1) Shall have registered to participate in the competition under the rules promulgated by the Office of the National Coordinator for Health Information Technology.

(2) Shall have complied with all the requirements under this section.

(3) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States.

(4) May not be a Federal entity or Federal employee acting within the scope of their employment.

(5) Shall not be an HHS employee working on their applications or submissions during assigned duty hours.

(6) Shall not be an employee of Office of the National Coordinator for Health IT.

(7) Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(8) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Entrants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from my participation in this prize contest, whether the injury, death, damage, or loss arises through negligence or otherwise.

Entrants must also agree to indemnify the Federal Government against third

party claims for damages arising from or related to competition activities.

Registration Process for Participants:

To register for this challenge participants should either:

- Access the *www.challenge.gov* Web site and search for the ''Health Design Challenge''.
- Access the ONC Investing in Innovation (i2) Challenge Web site at:
  - *http://www.health2con.com/devchallenge/challenges/onc-i2-challenges/.*
  - A registration link for the challenge can be found on the landing page under the challenge description.

Amount of the Prize:

Each submission will be considered for all four prize categories listed below. A review panel will select winners based on defined criteria (below). An individual submission can win multiple awards.

- Overall Design: $16,000 (1st), $6,000 (2nd), and $4,000 (3rd).
- Best Medication Section—$5,000 (1st), $3,000 (2nd), and $1,000 (3rd).
- Best Medical/Problem History Section—$5,000 (1st), $2,000 (2nd), and $1,000 (3rd).
- Best Lab Summaries—$5,000 (1st), $2,000 (2nd), and $1,000 (3rd).

Awards may be subject to Federal income taxes and HHS will comply with IRS withholding and reporting requirements, where applicable.

Payment of the Prize:

Prize will be paid by contractor.

Basis Upon Which Winners Will Be Selected:

The review panel will make selections based upon the following criteria:

- Overall Appeal.
- Patient Usefulness—Does it address the needs of a patient?
- Caregiver Usefulness—Does it ease the responsibilities of a caregiver?
- Physician Usefulness—Can a physician integrate it into their workflow?
- Visual Hierarchy—Can the most important information be easily found?
- Information Density—Is it easy to digest the information that is presented?
- Accessibility—Can a varied population make use of this document?

Additional Information:

Authority: 15 U.S.C. 3719.

Dated: October 15, 2012.

Farzad Mostashari,

National Coordinator for Health Information Technology.

[FR Doc. 2012–25954 Filed 10–19–12; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0471]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prescription Drug User Fee Cover Sheet; Form FDA 3397

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 21, 2012.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0297. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *Ila.Mizrachi@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Prescription Drug User Fee Cover Sheet; Form FDA 3397—(OMB Control Number 0910–0297)—Extension

Under the prescription drug user fee provisions of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (sections 735 and 736 (21 U.S.C. 379g and 379h)), as amended, FDA has the authority to assess and collect user fees for certain drug and biologics license applications and supplements to those applications. Under this authority, pharmaceutical companies pay a fee for certain new drug applications (NDAs), biologics license applications (BLAs), or supplements submitted to the Agency for review. Because the submission of user fees concurrently with applications and supplements is required, review of an application by FDA cannot begin until the fee is submitted. The Prescription Drug User Fee Cover Sheet, Form FDA 3397, is designed to provide the minimum necessary information to determine whether a fee is required for review of an application, to determine the amount of the fee required, and to account for and track user fees. The form provides a cross-reference of the fee submitted for an application by using a unique number tracking system. The information collected is used by FDA's Center for Drug Evaluation and Research (CDER) and Center for Biologics Evaluation and Research (CBER) to initiate the administrative screening of NDAs, BLAs, and/or supplemental applications to those applications.

Respondents to this collection of information are new drug and biologics manufacturers. Based on FDA's database system for fiscal year (FY) 2011, there are an estimated 260 manufacturers of products subject to the Prescription Drug User Fee Act (Pub. L. 105–115). The total number of annual responses is based on the number of submissions received by FDA in FY 2011. CDER received 3,363 annual responses that include the following submissions: 114 NDAs; 4 BLAs; 1,900 manufacturing supplements; 1,209 labeling supplements; and 136 efficacy supplements. CBER received 768 annual responses that include the following submissions: 6 BLAs; 698 manufacturing supplements; 44 labeling supplements; and 20 efficacy supplements. The estimated hours per response are based on past FDA experience with the various submissions.

FDA is revising Form FDA 3397 in the following ways: (1) By updating the applicable Web sites; (2) by adding a Privacy Act Notice pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(3)j; (3) by adding 351(k) applications to the CDER and CBER lists of applications and supplements for which Form FDA 3397 need not be submitted; (4) by adding ''or proper name'' to instruction number 3; and (5) by making minor editorial changes.

In the **Federal Register** of May 18, 2012 (77 FR 29663), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FDA Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Form FDA 3397	260	15.89	4,131	0.5 (30 min.)	2,065.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: October 17, 2012.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2012–25898 Filed 10–19–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0001]

Arthritis Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 20, 2012, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Yvette Waples, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg, 31, rm 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: AAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss new drug application (NDA) 22151, rintatolimod injection (proposed trade name AMPLIGEN), submitted by Hemispherx Biopharma, Inc., for the treatment of patients with chronic fatigue syndrome.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before December 6, 2012. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 28, 2012. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 29, 2012.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Yvette Waples at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 16, 2012.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2012–25878 Filed 10–19–12; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Infant Mortality; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Infant Mortality (ACIM).

Dates and Times: November 14, 2012, 8:30 a.m.–5:30 p.m.; November 15, 2012, 8:30 a.m.–3:30 p.m.

Place: L'Enfant Plaza Hotel, 480 L'Enfant Plaza SW., Washington, DC 20024, (202) 484–1000.

Status: The meeting is open to the public with attendance limited to space availability.

Purpose: The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department of Health and Human Services' programs that focus on reducing infant mortality and improving the health status of infants and pregnant women; and factors affecting the continuum of care with respect to maternal and child health care. It includes outcomes following childbirth; strategies to coordinate the myriad federal, state, local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start Program and *Healthy People 2020* infant mortality objectives.

Agenda: Topics that will be discussed include the following: HRSA Update; Maternal and Child Health Bureau Update; Healthy Start Program Update; Updates from Partnering Agencies and Organizations; and ACIM's recommendations for the HHS National Strategy to Address Infant Mortality.

Proposed agenda items are subject to change as priorities dictate.

Time will be provided for public comments limited to five minutes each. Comments are to be submitted in writing no later than 5:00 p.m. ET on October 31, 2012.

*FOR FURTHER INFORMATION CONTACT:*Anyone requiring information regarding the Committee should contact Michael C. Lu, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration, Room 18–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–2170.

Individuals who are submitting public comments or who have questions regarding the meeting and location should contact David S. de la Cruz, Ph.D., M.P.H., ACIM Designated Federal Official, HRSA, Maternal and Child Health Bureau, telephone: (301) 443–0543, email: *David.delaCruz@hrsa.hhs.gov*.

Dated: October 16, 2012.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2012–25947 Filed 10–19–12; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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 Deafness and Other Communication Disorders; Special Emphasis Panel; VSL Fellowships.

Date: November 1, 2012.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Executive Plaza, EPS, Room 400C, 6120 Executive Blvd., Bethesda, MD 20852.

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd., MSC 7180 Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 15, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25834 Filed 10–19–12; 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 Tuberculosis Infection in the Elderly.

Date: November 19, 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: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 15, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25835 Filed 10–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following 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 Eye Institute Special Emphasis Panel, NEI Career Development and Conference Grant Applications—Visual Processing and Low Vision.

Date: November 8, 2012.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anne E Schaffner, Ph.D., Chief, Scientific Review Officer, Division of Extramural Research, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 1300, MSC 9300, 301–451–2020, *aes@nei.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 16, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25836 Filed 10–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of 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 meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board, *Ad hoc* Subcommittee on Communications.

Open: November 28, 2012, 6:30 p.m. to 8:00 p.m.

Agenda: Discussion on Cancer Information and Communications.

Place: Hyatt Regency Bethesda, One Metro Center, Bethesda, MD 20814.

Contact Person: Dr. Lenora Johnson, Executive Secretary, NCAB *Ad hoc* Subcommittee on Communications, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Suite 407, Rockville, MD 20852–8345, (301) 451–6879, *johnslen@mail.nih.gov.*

Name of Committee: National Cancer Advisory Board.

Open: November 29, 2012, 9:00 a.m. to 3:30 p.m.

Agenda: Program reports and presentations; business of the Board.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Closed: November 29, 2012, 3:30 p.m. to 5:00 p.m.

Agenda: Review intramural program site visit outcomes. Discussion of confidential personnel issues.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892.

Contact Person: Dr. Paulette S. Gray, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892–8327, (301) 496–5147, *grayp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 15, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25837 Filed 10–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Genetic and Lifestyle Factors and Risk of Gastrointestinal Bleeding (R01).

Date: November 20, 2012.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Effects of Intensity of Exercise Training and Metformin in Prediabetic Adults (R01).

Date: November 28, 2012.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, PKA & PKC Targeting Mechanisms (P01).

Date: December 5, 2012.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, PAR11–349 Research using Subjects from the TrialNet Living Biobank, (DP3).

Date: December 5, 2012.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 12, 2012.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25833 Filed 10–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, NIH Summer Research Experience Programs.

Date: November 9, 2012.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David M. Armstrong, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/ Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608, 301–443–3534, *armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, National Cooperative Drug Discovery & Development.

Date: November 14, 2012.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Harnessing Advanced Health Technologies to Drive Mental Health, Improvement.

Date: November 15, 2012.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, K99/ R00 Pathway to Independence Awards.

Date: November 16, 2012.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Megan Kinnane, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852–9609, 301–402–6807, *libbeym@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel, P30 Centers Program for Research on HIV/AIDS & Mental Health.

Date: November 19, 2012.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: October 11, 2012.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25831 Filed 10–19–12; 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Host Defense and Immunology.

Date: November 13, 2012.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Hematology.

Date: November 14–15, 2012.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncological Sciences.

Date: November 19–20, 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, Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.
Date: November 19, 2012.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.
Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Cell Biology, Developmental Biology and Bioengineering.
Date: November 19, 2012.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7812, Bethesda, MD 20892, 301–435–2902, *gubina@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oral Microbiology and Cell Biology.
Date: November 19, 2012.
Time: 10:30 a.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Priscilla B Chen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787, *chenp@csr.nih.gov*.

(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: October 16, 2012.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2012–25838 Filed 10–19–12; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Adult Treatment Court Collaborative Program Evaluation—NEW

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) and Center for Substance Abuse Treatment (CSAT) have jointly implemented the Adult Treatment Court Collaborative (ATCC) Program. SAMHSA launched the ATCC program in 2011 form new collaborations between specialty courts and treatment systems to effect community-level systems transformation and establish networks that expand access to treatment among those involved in the criminal justice system. CMHS and CSAT are requesting approval from the Office of Management and Budget (OMB) to implement data collection activities to determine the degree to which grantees individually and collectively meet the goals of the program, including the impact of program activities on systems and clients.

The current proposal requests the implementation of new data collection efforts to support the Evaluation of the ATCC Program. Three sets of data collection activities are proposed, for a total of six instruments. Specifically it requests:

1. Adding ''Supplemental Client'' measures to gather client level data on program participants at baseline and six-month follow-up to assess client outcomes and better compare and contrast programs based on characteristics. The annual baseline data are collected on new individuals admitted to the program. The proposed measures include:

a. Questions about housing stability, one about recentcy of homelessness and the number of days homeless in the past 6 months. Administered at baseline only.

b. Questions about lifetime incidence of arrests and incarceration, including total time spent in jail/prison and prior experience with specialty courts. Administered at baseline only.

c. Treatment History for mental health and substance use disorders. Administered at baseline only.

d. Questions on trauma events to document adult, childhood, and recent trauma. Lifetime questions administered at baseline only and recent at six month.

e. Questions on trauma symptoms using the Post-Traumatic Disorder Checklist-Civilian (PCL–C) to document trauma diagnosis and change over time. Administered at baseline and six month.

f. Questions on mental health symptoms using the Brief Symptom Inventory—18 (BSI–18) to document mental health diagnosis and change over time. Administered at baseline and six month.

g. Questions on procedural justice and perceptions of fairness by program clients. Administered at six month only.

h. Questions about behavioral health treatment services to document service receipt. Administered at six month only.

2. Adding three instruments to collect record review data from Grantees.

a. Screening/Eligibility—Information on individuals referred to the program for screening/eligibility determination, client diagnosis, and the outcome of the screen (eligible/not eligible), to determine the scope of individuals considered for the program.

b. Program Participation/Service Referral—Information on the treatment/service referrals made to clients enrolled in the programs, to determine the range and scope of services provided in the program network, as well discharge data to determine the conditions under which clients complete the programs.

c. Information on the arrests in the 12-months pre and post program entry, including the nature of the arrest, to document recidivism.

3. Adding the Collaborative Survey to gather information on collaboration and program implementation from key project stakeholders. This instrument will be administered once annually, to five to eight stakeholders in each project site. This tool has sections of the questions tailored to address the respondents' specific roles in the grant program (e.g. project directors, judges, clinicians) and includes an assessment of the activities of the collaborative.

The following tables summarize the burden for data collection.

CY 2013 ANNUAL REPORTING BURDEN

Data collection activity	Number of respondents	Responses per respondent	Total responses	Average hours per response	Total hour burden
Supplemental Client Interviews:					
Baseline (at enrollment)	624	1	624	0.25	156
6 months	499	1	499	0.25	125
Sub Total	*624*	.....	*1,123*	.....	*281*
Collaborative Survey	77	1	77	1	77
Record Management:					
Secondary Data—(Screening/admission) [3]	11	489	5,382	0.25	1,346
Secondary Data—(Arrest data) [3]	11	40	440	0.25	110
Secondary Data—(Participation/service use)	11	57	627	0.25	157
Sub Total	*11*	*586*	*6,449*	.....	*1,613*
Overall Total:	*712*	.....	*7,649*	.....	*1,971*

CY 2014 ANNUAL REPORTING BURDEN

Data collection activity	Number of respondents	Responses per respondent	Total responses	Average hours per response	Total hour burden
Supplemental Client Interviews:					
Baseline (at enrollment)	682	1	682	0.25	171
6 months	546	1	546	0.25	137
Sub Total	*682*	.....	*1,228*	.....	*308*
Collaborative Survey	77	1	77	1	77
Record Management:					
Secondary Data—(Screening/admission)	11	489	5,379	0.25	1,345
Secondary Data—(Arrest data)	11	45	495	0.25	124
Secondary Data—(Participation/service use)	11	57	627	0.25	157
Sub Total	*11*	*586*	*6,501*	.....	*1,625*
Overall Total:	*770*	.....	*7,806*	.....	*2,011*

CY 2015 ANNUAL REPORTING BURDEN

Data collection activity	Number of respondents	Responses per respondent	Total responses	Average hours per response	Total hour burden
Supplemental Client Interviews:					
Baseline (at enrollment)	682	1	682	0.25	171
6 months	546	1	546	0.25	137
Sub Total	*682*	.....	*1,228*	.....	*308*
Collaborative Survey	77	1	77	1	77
Record Management:					
Secondary Data—(Screening/admission)	11	489	5,379	0.25	1,345
Secondary Data—(Arrest data)	11	45	495	0.25	124
Secondary Data—(Participation/service use)	11	57	627	0.25	157
Sub Total	*11*	*586*	*6,501*	.....	*1,625*
Overall Total	*770*	.....	*7,806*	.....	*2,011*

TOTAL ANNUALIZED BURDEN

Data collection activity	Annualized number of respondents	Annualized total responses	Annualized total hour burden
Supplemental Client Interviews:			
Baseline	662	662	166
6 month	530	530	133
Sub-total	*662*	*1192*	*299*
Collaborative Survey	77	77	77

TOTAL ANNUALIZED BURDEN—Continued

Data collection activity	Annualized number of respondents	Annualized total responses	Annualized total hour burden
Record Management:			
Screening Data	11	5,382	1,346
Arrests	11	477	119
Program Participation	11	627	157
Sub-Total	*11*	*6,486*	*1,622*
Total Annualized	*750*	*7,755*	*1,998*

Written comments and recommendations concerning the proposed information collection should be sent by November 21, 2012 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2012–25868 Filed 10–19–12; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: National Survey of Substance Abuse Treatment Services (N–SSATS) (OMB No. 0930–0106)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting a revision of the Drug and Alcohol Services Information System (DASIS) data collection (OMB No. 0930–0106), which expires on December 31, 2012. The request includes a name change for this OMB No. from ''DASIS'' to the ''National Survey of Substance Abuse Treatment Services (N–SSATS),'' since N–SSATS is the main survey component from the prior collection included in this request. N–SSATS provides both national and state-level data on the numbers and types of patients treated and the characteristics of facilities providing substance abuse treatment services. It is conducted under the authority of Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4) to meet the specific mandates for annual information about public and private substance abuse treatment providers and the clients they serve.

This request includes:

- Collection of N–SSATS, which is an annual survey of substance abuse treatment facilities; and
- Updating of the associated substance abuse facility universe, now named the Inventory of Behavioral Health Services (I–BHS) (previously the Inventory of Substance Abuse Treatment Services (I–SATS)). The I–BHS includes all substance abuse treatment facilities known to SAMHSA. In addition, the inventory is being expanded to include mental health treatment facilities, making it a ''behavioral health'' inventory.

The information in I–BHS and N–SSATS is needed to assess the nature and extent of these resources, to identify gaps in services, and to provide a database for treatment referrals. Both I–BHS and N–SSATS are components of the Behavioral Health Services Information System (BHSIS) (previously DASIS), a system name change reflecting SAMHSA's emphasis on a more integrated behavioral health treatment system.

The request for OMB approval will include a request to update the I–BHS facility listing on a continuous basis and to conduct the N–SSATS and the between cycle N–SSATS (N–SSATS BC) in 2013, 2014, and 2015. The N–SSATS BC is a procedure for collecting services data from newly identified facilities between main cycles of the survey and will be used to improve the listing of treatment facilities in the online Substance Abuse Treatment Locator.

Planned Changes

I–BHS: As described above, the I–BHS database has been expanded to include mental health treatment facilities. The I–BHS Online forms, the I–BHS facility application form, and the augmentation screener questionnaire include a new question to determine if the facility provides mental health treatment services.

N–SSATS: The full N–SSATS will be conducted in alternate years, rather than every year as in the past, with an abbreviated N–SSATS questionnaire to update the Treatment Locator conducted in the interim years. Approval is requested for the following changes from 2012 to 2013 in the N–SSATS questionnaire:

A new question has been added to determine if the facility provides mental health treatment services. This question will help identify facilities that provide both substance abuse and mental health treatment services.

A question on the primary focus of the facility was dropped because it was found to be too subjective and less useful than asking directly about the services the facility provides. The new question will identify facilities that provide mental health treatment services.

New items have been added to determine if the facility offers treatment for gambling disorders, Internet use disorders or other non-substance abuse disorders.

A question on special programs was reformatted to reduce burden. The question previously had two parts, one to determine if particular kinds of clients were accepted at the facility and another to determine if the facility had

special groups or programs for particular kinds of clients. The first part has been dropped. Adolescents, adult women and adult men have been broken out of the list of kinds of clients in order to ask if the facility services only clients in these groups. Two new categories have been added to determine if the facility has special programs for persons who have experienced intimate partner violence/physical abuse and persons who have experienced sexual abuse.

A new question has been added to ascertain the extent to which the facility has adopted health information technology in its operations.

Estimated annual burden for the DASIS activities is shown below:

Type of respondent and activity	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours	Wage rate	Total hour cost
States:							
I–BHS Online [1]	56	140	7,840	.08	627	$22	$13,794
State Subtotal	56		7,840		627		13,794
Facilities:							
I–BHS application [2]	600	1	600	.08	48	16	768
Augmentation screener	2,000	1	2,000	.08	160	16	2,560
N–SSATS questionnaire	17,000	1	17,000	.58	9,860	37	364,820
N–SSATS BC	2,000	1	2,000	.42	840	37	31,080
Facility Subtotal	21,600		21,600		10,908		399,228
Total	21,656		29,440		11,535		413,022

[1] States use the I–BHS Online system to submit information on newly licensed/approved facilities and on changes in facility name, address, status, etc.

[2] New facilities complete and submit the online I–BHS application form in order to get listed on the Inventory.

Written comments and recommendations concerning the proposed information collection should be sent by November 21, 2012 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2012–25869 Filed 10–19–12; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[DHS Docket No. DHS–2009–0091]

Notice of Availability of Guidance for Protecting Responders' Health During the First Week Following a Wide-Area Aerosol Anthrax Attack

AGENCY: Office of Health Affairs, DHS.

ACTION: Notice of availability.

SUMMARY: The Department of Homeland Security (DHS) is announcing the availability of a guidance document, *Guidance for Protecting Responders' Health During the First Week Following a Wide-Area Aerosol Anthrax Attack.* This guidance provides recommendations for protecting personnel responding to a wide-area anthrax attack from developing anthrax as a result of exposure to aerosolized *Bacillus anthracis* spores and for minimizing the amount of exposure in the first week of a response. Protective measures addressed in the guidance include medical countermeasures (i.e., drugs, vaccine), personal protective equipment (PPE), and other possible work practices. A federal interagency working group that included subject matter experts in biodefense, infectious diseases, and occupational health and safety developed this guidance. Persons interested in obtaining a copy of the guidance may do so by using the Internet. The guidance is available at *http://www.regulations.gov, http://phe.gov* and *http://www.dhs.gov/publication/protecting-responders-health-after-wide-area-aerosol-anthrax-attack.*

This document is also available in hard-copy for all those that request it from the federal points of contact.

DATES: The guidance is available beginning October 12, 2012.

FOR FURTHER INFORMATION CONTACT:

Department of Homeland Security: David V. Adams, Chief, Planning & Exercise Support Branch, Office of Health Affairs, Mail Stop 0315, Washington, DC 20528, email address *david.adams@hq.dhs.gov*, telephone number (202) 254–5756.

Department of Health and Human Services (HHS): Lisa Kaplowitz, MD, MSHA, Deputy Assistant Secretary, Office of Policy and Planning, Office of the Assistant Secretary for Preparedness and Response, 200 Independence Avenue SW., Washington, DC 20201, telephone number (202) 205–2882.

SUPPLEMENTARY INFORMATION: On October 27, 2009, DHS published a notice announcing the availability of ''Proposed Guidance for Protecting Responders' Health During the First Week Following a Wide-Area Anthrax Attack.'' 74 FR 55246. DHS solicited public feedback and received comments from 75 respondents, including responders, academia, political leaders, and government agencies. Respondents expressed support for the guidance, provided valuable technical feedback in

a number of areas of the proposed guidance, as well as commenting on other areas broadly related to an anthrax release/event that are outside the scope of this guidance (e.g., training and funding for vaccination). DHS, HHS and federal partners considered all of the comments and revised the document as appropriate. Specifically, we have increased the clarity of the document and better integrated guidance from the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH), including more specificity regarding the use of personal protective equipment (PPE). In addition, a number of changes were made to the document to accommodate evolving knowledge regarding the effectiveness of alternative interventions as well as federal policy in the areas of biological protection and response, particularly efforts to make medical countermeasures more readily available. This included incorporating recommendations from a report published by the Advisory Committee on Immunization Practices (ACIP) in the Morbidity and Mortality Weekly Report (MMWR), July 23, 2010, regarding the ''Use of Anthrax Vaccine in the United States.'' To access the public comments, please go to the Federal eRulemaking Portal at *http://www.regulations.gov* and access the DHS summary describing the guidance (see Docket No. DHS–2009–0091).

DHS and HHS are now announcing the availability of a revised guidance document, *Guidance for Protecting Responders' Health During the First Week Following a Wide-Area Aerosol Anthrax Attack.* This guidance can be viewed or downloaded at *http://www.regulations.gov, http://phe.gov* and *http://www.dhs.gov/publication/protecting-responders-health-after-wide-area-aerosol-anthrax-attack.*

DHS developed this guidance in consultation with a federal interagency working group that included subject matter experts in biodefense, infectious diseases, and occupational health and safety. The working group included representatives from HHS; the Centers for Disease Control and Prevention (CDC), NIOSH; the Department of Labor, OSHA; and the Environmental Protection Agency (EPA).

The revised guidance reflects the current understanding of the unique environment that would be expected during the first week of a wide-area anthrax release, and is expected to evolve with changes to our understanding regarding exposure risk, scientific developments, and availability of new environmental monitoring techniques. This guidance is intended to support ongoing planning and preparation efforts, as well as to lay the basis for plans to protect individuals beyond traditional first responders. This planning guidance will be refined as the evidence base is strengthened for determining exposure risk and the efficacy of protective measures. This guidance does not have the force or effect of law.

The DHS Office of Health Affairs is issuing the guidance document for public use on behalf of an interagency coalition.

Dated: October 15, 2012.

Alexander G. Garza,

Assistant Secretary for Health Affairs and Chief Medical Officer.

[FR Doc. 2012–25983 Filed 10–19–12; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2012–0064]

Homeland Security Advisory Council

AGENCY: The Office of Policy, DHS.

ACTION: Notice of open teleconference Federal advisory committee meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet via teleconference for the purpose of reviewing and deliberating on recommendations by the HSAC's Border Infrastructure Task Force.

DATES: The HSAC conference call will take place from 4:00 p.m. to 5:00 p.m. EST on Thursday, November 8, 2012. Please be advised that the meeting is scheduled for one hour and may end early if all business is completed before 4:30pm.

ADDRESSES: The HSAC meeting will be held via teleconference. Members of the public interested in participating in this teleconference meeting may do so by following the process outlined below (see ''Public Participation'').

Written comments must be submitted and received by November 5, 2012. Comments must be identified by Docket No. DHS–2012–0064 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HSAC@dhs.gov.* Include docket number in the subject line of the message.
- *Fax:* (202) 282–9207
- *Mail:* Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0445, 245 Murray Lane SW., Washington, DC 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and DHS–2012–0064, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read comments received by the DHS Homeland Security Advisory Council, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: William Smith at *hsac@dhs.gov* or 202–282–9445.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. The HSAC provides organizationally independent, strategic, timely, specific and actionable advice to the Secretary and senior leadership on matters related to homeland security. The HSAC will meet to review and deliberate on the Border Infrastructure Task Force report of findings and recommendations.

Public Participation: Members of the public will be in listen-only mode. The public may register to listen to this HSAC teleconference via the following procedures. Each individual must provide his or her full legal name and email address no later than 5:00 p.m. EST on November 5, 2012, to a staff member of the HSAC via email at *HSAC@dhs.gov* or via phone at (202) 447–3135. HSAC conference call details and the Border Infrastructure Task Force report will be provided to interested members of the public at the time they register.

Information on Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to request special assistance during the teleconference, contact William Smith (202) 282–9445.

Dated: October 15, 2012.

Becca Sharp,

Executive Director, Homeland Security Advisory Council, DHS.

[FR Doc. 2012–25985 Filed 10–19–12; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2003–14610]

Intent To Request Renewal From OMB of One Current Public Collection of Information: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0027, abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves applicant submission of biometric and biographic information for TSA's security threat assessment in order to obtain the hazardous materials endorsement (HME) on a commercial drivers license (CDL) issued by the U.S. States and the District of Columbia.

DATES: Send your comments by December 21, 2012.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Susan Perkins at the above address, or by telephone (571) 227–3398.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is inviting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0027; Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License, 49 CFR part 1572. TSA is requesting renewal of the currently approved ICR with minor changes. This collection supports the implementation of section 1012 of the USA PATRIOT Act (Pub. L. 107–56, 115 Stat. 272, 396, Oct. 26, 2001), which mandates that no State or the District of Columbia may issue a HME on a CDL unless TSA has first determined the driver is not a threat to transportation security. On November 24, 2004, TSA published the final rule in the **Federal Register** (69 FR 68720), codified at 49 CFR part 1572, that describes the procedures, standards, and eligibility criteria for security threat assessments on individuals seeking to obtain, renew, or transfer a HME on a CDL. TSA subsequently amended the rule on January 25, 2007 (72 FR 3492). In order to conduct the security threat assessment, States (or TSA's agent in States that elect to have TSA perform the collection of information) must collect information in addition to that already collected for the purpose of HME applications, which will occur once approximately every five years. The driver is required to submit an application that includes personal biographic information (for instance, height, weight, eye and hair color, date of birth); information concerning legal status, mental health defects history, and criminal history; as well as fingerprints. TSA is amending the application to collect optional minor additional information, such as U.S. Department of State forms showing birth abroad to U.S. citizens and U.S. passport number. This information helps the applicant prove U.S. citizenship even though the applicant was born abroad. Also, the application will ask the applicant to state whether he is a new applicant, or is applying to renew or transfer the HME. This will enable the program to better understand and forecast driver retention, transfer rate, and drop-rate to help improve customer service, reduce program costs, and provide comparability with other Federal background checks, including the Transportation Workers Identification Credential (TWIC). TSA is removing items concerning military service. In addition, the rule (49 CFR part 1572) requires States to maintain a copy of the driver application for a period of one year.

These changes should reduce the burden on applicants, States, and TSA. By receiving this information during the application process, requests for additional information or documentation will be reduced during the post-adjudication process.

From 2012 through 2014, TSA estimates respondent drivers will spend approximately 2.9 million hours on the application and background check process. TSA estimates an annualized 295,000 respondents will apply for an HME, and that the application and background check process will involve 960,000 annualized hours. TSA estimates the total costs to respondent drivers will be $77.9 million over the three-year period ($25 million annualized).

Issued in Arlington, Virginia, on October 12, 2012.

Susan Perkins,

Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2012–25936 Filed 10–19–12; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Regulations Relating to Recordation and Enforcement of Trademarks and Copyrights

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the: Regulations Relating to Recordation and Enforcement of Trademarks and Copyrights (Part 133 of the CBP Regulations). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Written comments should be received on or before December 21, 2012, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Office of Regulations and Rulings, 799 9th Street NW., 5th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Office of Regulations and Rulings, 799 9th Street NW., 5th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (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 estimates 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 including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Regulations Relating to Recordation and Enforcement of Trademark and Copyrights (Part 133 of the CBP Regulations).

OMB Number: 1651–0123.

Form Number: None.

Abstract: In accordance with 19 CFR part 133, trademark and trade name owners and those claiming copyright protection may submit information to CBP to enable CBP officers to identify violating articles at the borders. Parties seeking to have merchandise excluded from entry must provide proof to CBP of the validity of the rights they seek to protect. The information collected by CBP is used to identify infringing goods at the borders and determine if such goods infringe on intellectual property rights for which federal law provides import protection. Respondents may submit their information to CBP electronically at *https://apps.cbp.gov/e-recordations/*, or they may submit their information on paper in accordance with 19 CFR 133.2 and 133.3 for trademarks, or 19 CFR 133.32 and 133.33 for copyrights.

Current Actions: This submission is being made to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Businesses and Individuals.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 4,000.

Dated: October 16, 2012.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2012–25897 Filed 10–19–12; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Secretarial Commission on Indian Trust Administration and Reform

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting.

SUMMARY: The Office of the Secretary is announcing that the Secretarial Commission on Indian Trust Administration and Reform (the Commission) will hold a public webinar meeting on November 7, 2012. The objectives of the meeting are to attend to Commission operations as needed and report on outreach activities, review and discuss revised draft documents to-date and take public comments on the drafts, and review and discuss agenda for December 6–7, 2012 public Commission meeting. The Secretarial Commission's charter requires the Commission to provide well-reasoned and factually-based recommendations for potential improvements to the existing management and administration of the trust administration system. The Commission is committed to early public engagement and welcomes your participation in these important meetings.

DATES: The Commission's webinar meeting will begin at 2 p.m. and end at 4 p.m. Eastern Time on November 7, 2012. Attendance is open to the public, but limited space is available. Members of the public who wish to attend must RSVP by November 6, 2012, by registering at *https://www1.gotomeeting.com/register/384347209*. Instructions for joining the webinar will be emailed after registration occurs.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Official, Lizzie Marsters, Chief of Staff to the Deputy Secretary, Department of the Interior, 1849 C Street NW., Room 6119, Washington, DC 20240; or email to *Lizzie_Marsters@ios.doi.gov*.

SUPPLEMENTARY INFORMATION: As part of President Obama's commitment to fulfilling this nation's trust responsibilities to Native Americans, the Secretary of the Interior (Secretary) appointed five members to serve on the Secretarial Commission on Indian Trust Administration and Reform, established under Secretarial Order No. 3292, dated December 8, 2009. The Commission will play a key role in the Department's ongoing efforts to empower Indian nations and strengthen nation-to-nation relationships.

The Commission will complete a comprehensive evaluation of the Department's management and administration of the trust assets within a two-year period and offer recommendations to the Secretary of how to improve in the future. The Commission will:

(1) Conduct a comprehensive evaluation of the Department's management and administration of the trust administration system;

(2) Review the Department's provision of services to trust beneficiaries;

(3) Review input from the public, interested parties, and trust beneficiaries which should involve conducting a number of regional listening sessions;

(4) Consider the nature and scope of necessary audits of the Department's trust administration system;

(5) Recommend options to the Secretary to improve the Department's management and administration of the trust administration system based on information obtained from these Commission's activities, including whether any legislative or regulatory changes are necessary to permanently implement such improvements; and

(6) Consider the provisions of the American Indian Trust Fund Management Reform Act of 1994 providing for the termination of the Office of the Special Trustee for American Indians, and make recommendations to the Secretary regarding any such termination.

The following items will be on the agenda:

• Welcome, introductions and agenda review;
• Trust Commission Operations;
• Review and Discussion of Commission Draft Documents to-date;
• Public Comments;
• Overview of December 6–7, 2012 meeting and related youth outreach session;
• Review action items from today's discussion; and
• Adjourn.

Written comments may be sent to the Designated Federal Official listed in the **FOR FURTHER INFORMATION CONTACT** section above. To review all related material on the Commission's work, please refer to *http://www.doi.gov/cobell/commission/index.cfm*. All meetings are open to the public.

Dated: October 16, 2012.

David J. Hayes,

Deputy Secretary.

[FR Doc. 2012–25916 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement (BSEE)

[Docket ID BSEE–2012–0009; OMB Number 1014–0005]

Information Collection Activities: Relief or Reduction in Royalty Rates; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-day Notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR part 203, Relief or Reduction in Royalty Rates. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: You must submit comments by November 21, 2012.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0005). Please provide a copy of your comments to BSEE by any of the means below.

• *Electronically:* Go to *http://www.regulations.gov.* In the entry titled, ''Enter Keyword or ID,'' enter BSEE–2012–0009, then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

• *Email: nicole.mason@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to: Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; Attention: Nicole Mason; 381 Elden Street, HE3313; Herndon, Virginia 20170–4817. Please reference 1014–0005 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Nicole Mason, Regulation and Standards Branch, (703) 787–1605, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 203, Relief or Reduction in Royalty Rates.

OMB Control Number: 1014–0005.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended by Public Law 104–58, Deep Water Royalty Relief Act (DWRRA), gives the Secretary of the Interior (Secretary) the authority to reduce or eliminate royalty or any net profit share specified in OCS oil and gas leases to promote increased production. The DWRRA also authorized the Secretary to suspend royalties when necessary to promote development or recovery of marginal resources on producing or non-producing leases in the Gulf of Mexico (GOM) west of 87 degrees, 30 minutes West longitude.

Section 302 of the DWRRA provides that new production from a lease in existence on November 28, 1995, in a water depth of at least 200 meters, and in the GOM west of 87 degrees, 30 minutes West longitude qualifies for royalty suspension in certain situations. To grant a royalty suspension, the Secretary must determine that the new production or development would not be economic in the absence of royalty relief. The Secretary must then determine the volume of production on which no royalty would be due in order to make the new production from the lease economically viable. This determination is done on a case-by-case basis. Production from leases in the same water depth and area issued after November 28, 2000, also can qualify for royalty suspension in addition to any that may be included in their lease terms.

In addition, the Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–134, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's (DOI) implementing policy, BSEE is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large.

Regulations at 30 CFR part 203 implement these statutes and policy and require respondents to pay a fee to request royalty relief. Section 30 CFR 203.3 states that, ''We will specify the necessary fees for each of the types of royalty-relief applications and possible BSEE audits in a Notice to Lessees. We will periodically update the fees to reflect changes in costs as well as provide other information necessary to administer royalty relief.''

The BSEE uses the information to make decisions on the economic viability of leases requesting a suspension or elimination of royalty or net profit share. These decisions have enormous monetary impacts to both the lessee and the Federal Government. Royalty relief can lead to increased production of natural gas and oil, creating profits for lessees and royalty and tax revenues for the government that they might not otherwise receive. We could not make an informed decision without the collection of information required by 30 CFR part 203.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 203.63, *Does my application have to include all leases in the field,* and 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection.* No items of a sensitive nature are collected. Responses are mandatory or are required to obtain or retain a benefit.

Frequency: On occasion.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 2,329 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and

customary and took that into account in estimating the burden.

Citation 30 CFR 203	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Application/Audit Fees (rounded)		
2(b); 3; 4; 70	These sections contain general references to submitting reports, applications, requests, copies, demonstrating qualifications, for BSEE approval – burdens covered under specific requirements.			0
Royalty Relief for Ultra-Deep Gas Wells and Deep Gas Wells on Shallow Water Leases				
31(c)	Request a refund of or recoup royalties from qualified ultra-deep wells.	1	1 request.	1
35(d); 44(e)	Request to extend the deadline for beginning production with required supporting documentation.	4	1 request.	4
41(d)	Request a refund of or recoup royalties from qualified wells >200 meters but <400 meters.	1	1 request.	1
35(a); 44(a); 47(a)	Notify BSEE of intent to begin drilling.	1	2 notifications.	2
35(c), (d); 44(b), (d), (e)	Notify BSEE that production has begun, request confirmation of the size of RSV, provide supporting documentation.	2	2 notifications.	4
46	Provide data from well to confirm and attest well drilled was an unsuccessful certified well with supporting documentation and request supplement.	8	1 response.	8
49(b)	Notify BSEE or decision to exercise option to replace one set of deep gas royalty suspension terms for another set of such terms	BSEE SOL requires that this reg text stay for legacy purposes only. Last time any respondent could use was 2004; hence, no burden.		0
		Subtotal	**8 responses**	**20 hours**
End of Life and Special Royalty Relief*				
51; 83; 84 NTL	Application—leases that generate earnings that cannot sustain continued production (end-of-life lease); required supporting documentation.	100	1 application every 3 years.	34
		application 1/3 x $8,000 = $2,667* audit 1/3 x $12,500 = $4,167		
52	Demonstrate ability to qualify for royalty relief or to re-qualify.	1	1 response.	1
55	Renounce relief arrangement (end-of-life) (seldom, if ever will be used; minimal burden to prepare letter).	1	1 letter every 3 years.	1
80 NTL	Application—apart from formal programs for royalty relief for marginal producing lease (Special Case Relief); required supporting documentation.	250	1 application every 3 years.	83
		application 1/3 x $8,000** = $ 2,667 audit 1/4 x $12,500 = $3,125		
80 NTL	Application—apart from formal programs for royalty relief for marginal expansion project or marginal non-producing lease (Special Case Relief); required supporting documentation.	1,000	1 application every 3 years.	333
		application 1/3 x $19,500** = $ 6,500 audit 1/4 x $18,750 = $4,688		
		Subtotal	**2 responses (rounded)**	**452 hours**
			$23,814 fees	

Citation 30 CFR 203	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Application/Audit Fees (rounded)		
CPA Report				
81; 83-90	Required reports; extension justification.	Burden included with applications.		0
		1 CPA report x $45,000 each report = $45,000		
		Subtotal	**1 response**	**$45,000**
Deep Water Royalty Relief Act (DWRAA)				
61; 62; 64; 65; 71; 83; 85-89; NTL	Application—preview assessment (seldom if ever will be used as applicants generally opt for binding determination by BSEE instead) and required supporting documentation.	900	1 application every 3 years.	300
		application 1/3 x $28,500 = $9,500		
62; 64; 65; 71; 83; 85-89	Application—leases in designated areas of GOM deep water acquired in lease sale before 11/28/95 or after 11/28/00 and are producing (deep water expansion project); required supporting documentation.	2,000	1 application every 3 years.	667
		application 1/3 x $19,500 = $6,500		
62; 64; 65; 203.71; 81; 83; 85-89; NTL	Application—leases in designated areas of deep water GOM, acquired in lease sale before 11/28/95 or after 11/28/00 that have not produced (pre-act or post-2000 deep water leases); required supporting documentation.	2,000	1 application every 3 years.	667
		application 1/3 x $34,000 = $11,334* audit 1/3 x $37,500 = $12,500		
70; 81; 90; 91	Submit fabricator's confirmation report; extension justification.	20	1 report every 3 years.	7
70; 81; 90; 92; NTL	Submit post-production development report; extension justification. # Reserve right to audit (1 audit every 6 years) after production starts to confirm cost estimates of the application.	50	1 report* every 3 years.	17
		# audit 1/6 x $18,750 = $3,125		
74; 75; NTL	Redetermination and required supporting documentation.	500	1 redetermination every 3 years.	167
		application 1/3 x $16,000 = $5,334*		
77	Renounce relief arrangement (deep water) (seldom, if ever will be used; minimal burden to prepare letter).	1	1 letter every 3 years.	1
79(a)	Request reconsideration of BSEE field designation.	This was a regulatory requirement for leases issued prior to 1995.		0
79(c)	Request extension of deadline to start construction.	2	1 request every 3 years.	1
81; 83-90	Required reports; extension justification.	Burden included with applications.		0
83; NTL	Application – short form to add or assign pre-Act lease and required supporting documentation.	40	1 application every 3 years.	14
		application 1/3 x $1,000 = $334		
		Subtotal	**3 responses**	**1,841 hours**
			$48,627	

Citation 30 CFR 203	Reporting or Recordkeeping Requirement	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Application/Audit Fees (rounded)		
Recordkeeping				
81(d)	Retain supporting cost records for post-production development/fabrication reports (records retained as usual/customary business practice; minimal burden to make available at BSEE request).	8	2 recordkeepers.	16
		Subtotal	2 recordkeepers	16 hours
Total Annual Burden			16 Responses	2,329 Hours
			$117,441 Fees	

* CPA certification expense burden also imposed on applicant.

** These applications currently do not have a set fee since they are done on a case-by-case basis.

Note: Applications include numerous items such as: transmittal letters, letters of request, modifications to applications, reapplications, etc.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified two non-hour costs associated with this information collection. The estimated non-hour cost burden is $117,441. This estimate is based on:

Under § 203.3, we charge lessees (respondents) applying for royalty relief an amount that covers the cost of processing their applications and auditing financial data when necessary to determine the proposed development's economic situation. The total annual estimated cost burden for these fees is $72,441.

Cost of a report prepared by independent certified public accountant. Under § 203.81, a report prepared by an independent certified public accountant must accompany the application and post-production report (expansion project, short form, and preview assessment applications are excluded). The OCS Lands Act applications will require this report only once; the DWRRA applications will require this report at two stages—with the application and post-production development report for successful applicants. The BSEE estimates approximately one submission each year at an average cost of $45,000 per report.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.,*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.,*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on May 22, 2012, we published a **Federal Register** notice (77 FR 30310) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 203.82 provides the OMB control number for the information collection requirements imposed by the 30 CFR part 203 regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received one comment in response to these efforts; however, the comment did not pertain to the paperwork burden associated with this IC. The comment was a personal opinion of the bureau location of where this program resides.

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.

Acting BSSE Information Collection Clearance Officer: Cheryl Blundon (703) 787–1607.

Dated: October 9, 2012.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2012–25971 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–R–2012–N132: 1265–0000–10137 S3]

Tualatin River National Wildlife Refuge, Washington and Yamhill Counties, OR, Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; announcement of meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for the Tualatin River National Wildlife Refuge (Refuge) for public review and comment. The Draft CCP/EA describes our proposal for managing the Refuge for the next 15 years.

DATES: To ensure consideration, please send your written comments by November 21, 2012. We will hold public meetings; see *Public Meetings* under **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

ADDRESSES: You may submit comments or request printed or CD–ROM copies of the Draft CCP/EA by any of the following methods.

Email: TualatinCCP@fws.gov. Include ''Tualatin River NWR Draft CCP/EA'' in the subject line of the message.

Fax: Attn: Erin Holmes, Project Leader, (503) 625–5947 (phone).

U.S. Mail: Tualatin River National Wildlife Refuge, 19255 SW Pacific Highway, Sherwood, OR 97140.

In-Person Drop-Off, Viewing, or Pickup: To view or pick up a document at the Refuge, call the Refuge's staff at (503) 625–5944 during regular business hours to make an appointment. Appointments are not needed to drop off comments. For more information on locations for viewing or obtaining documents, see ''Public Availability of Documents'' under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Erin Holmes, Project Leader, (503) 625–5944 (phone); *erin_holmes@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for the Refuge. We started this process through a notice in the **Federal Register** (75 FR 67763; November 3, 2010).

Tualatin River National Wildlife Refuge

The Refuge's five units are located in the Tualatin River basin, near Portland, OR, and encompass a total of 7,370 acres of land within the Refuge's approved acquisition boundary. Of this, we have acquired approximately 2,165 acres of land in fee title or easements, which are managed as part of the Refuge. The Refuge's land acquisition program is ongoing. The Refuge was established in 1992 for the following purposes:

- ''The development, advancement, management, conservation, and protection of fish and wildlife resources * * *'' 16 U.S.C. 742f(a)(4);
- ''The benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude * * *'' 16 U.S.C. 742f(b)(1), Fish and Wildlife Act of 1956; and
- ''The conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions * * *'' 16 U.S.C. 3901(b), Emergency Wetlands Resources Act of 1986.

The Refuge protects fish and wildlife and their habitats, and provides a visitor center and wildlife-oriented recreation for nearly 100,000 visitors annually. The Refuge's staff manages predominately flat bottomland bordered by uplands. Habitats include rivers and streams, seasonal, scrub-shrub, and riparian forests; and wet prairie, oak savanna, and mixed forested uplands. These habitats are home to nearly 200 species of birds, more than 50 species of mammals, 25 species of reptiles and amphibians, and a variety of insects, fish, and plants. The Refuge provides wildlife-dependent recreation that includes wildlife observation and photography, and environmental education and interpretation.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (together referred to as the Refuge Administration Act), 16 U.S.C. 668dd-668ee, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

Public Outreach

In winter 2010 we began our planning process, by publishing a notice in the **Federal Register** (75 FR 67765, November 3, 2010) and distributing a news release. To familiarize the public with our planning process; the Refuge's purposes; and our fish, wildlife, and recreation resources, we also distributed Planning Update 1 and hosted public meetings. Planning Updates 2 and 3 were distributed in spring and fall of 2011, respectively; we summarized public scoping comments in Planning Update 2, and preliminary alternatives in Planning Update 3. Our mailing list includes more than 800 recipients, representing Federal, State, Tribal, and local agencies; elected officials; nongovernment organizations; businesses; learning institutions; media agencies; private landowners; and individual citizens. We continue to maintain CCP information on our Web site: *www.fws.gov/tualatinriver/refugeplanning.htm.* We are requesting comments on the Draft CCP/EA through this notice, a news release, Planning Update 4, public meetings, and our Web site.

Draft CCP/EA Alternatives We Are Considering

We evaluated three alternatives for managing the Refuge for a period of 15 years in the Draft CCP/EA. Based on our analysis, Alternative 2 would best achieve the Refuge's purposes; therefore, it is our preferred alternative. We may modify Alternative 2 in the Final CCP/EA, to address comments we may receive on the Draft CCP/EA.

Alternative 1 (No Action Alternative)

The Refuge would continue to acquire, restore, and conserve wetlands and other habitats for native fish and wildlife under Alternative 1. Providing wetlands for migratory birds, including wintering waterfowl, would remain our primary focus. Wetland basins would be mowed, disked, and/or treated with herbicides to mimic natural disturbance cycles, limit plant succession, and suppress invasive plant species. Prairie, oak savanna, and forest habitats would be restored by removing nonnative plants; planting native grasses, forbs, shrubs, and trees; and controlling weeds. The Refuge's high quality wildlife observation, photography, environmental education, and interpretation programs would continue. Visitation would likely increase over the next 15 years;

however, staffing levels would not change.

Alternative 2 (Preferred Alternative)

The Tualatin River and Rock Creek Units' riparian forest, scrub-shrub wetland, and herbaceous wetland habitats would not substantially change under Alternative 2. Prescribed fire would be added for habitat management. In the upland area, we would restore mixed forest. We would no longer manipulate water to maintain a 30-acre herbaceous wetland on the Riverboat Unit, resulting in a wetland mixture of wet prairie and scrub-shrub. We would convert approximately 10 acres of riparian forest to wet prairie. At the Atfálat'i Unit, the current channelized Chicken Creek would be restored to its historical footprint. The existing water diversion structure would be relocated to the east, allowing water management on approximately 155 acres of herbaceous wetland, 69 acres less than what is currently managed. We would recontour the ground surface and update water control structures to manage wetlands more effectively. The remaining acres would be converted to wet prairie, oak savanna, and scrub-shrub wetland. We would convert an additional 20 acres of seasonal wetlands and wet prairie in the northern portion of the Atfálat'i Unit to floodplain riparian forest. If further land acquisition occurs at the Onion Flats Unit, we would convert cooperative farming areas into scrub-shrub wetland and oak savanna habitats. These changes could benefit dusky Canada geese and threatened Nelson's checkermallow plants. Rock Creek would be restored to its historical channel. Management of the Wapato Lake Unit would include a mixture of free-flowing hydrology and intensive water control; however, we would transition to a more natural hydrology over the long term. A water management study of the Wapato Lake lakebed would help us identify needed restoration actions. Other actions would include restoring a mosaic of wetlands, riparian forests, oak savannas, prairies, and streams.

The Refuge's existing visitor programs would remain under Alternative 2, with new opportunities, including up to three additional wildlife photography blinds, an environmental education study area, fishing from the River Overlook, and a nature exploration play area. Opportunities to connect to regional trails would be explored. A junior waterfowl hunt would occur on the Riverboat Unit. Opportunities for hunting, photography, fishing, wildlife observation, a nature trail, and interpretive exhibits would be explored at the Wapato Lake Unit, when an adequate land base is acquired, and habitat restoration decisions are made. In the near term, we would pursue environmental education and wildlife-dependent recreation opportunities in the community. Expanding the Refuge's habitat restoration and public use programs would require six additional positions, which we would pursue over the life of the CCP.

Alternative 3

Under Alternative 3, riparian forest would be expanded from 330 acres to approximately 390 acres on the Tualatin River Unit. The remainder of the unit would be mixed forest. Natural hydrologic flows would occur on the Refuge, with less water-level manipulation. At the Atfálat'i Unit, 180 acres of emergent wetland would be converted to riparian forest and scrub-shrub wetlands. The oak savanna, emergent wetland, and wet prairie in the northeastern portion of the Atfálat'i Unit would be converted to riparian forest. Cooperative farming would be phased out at the Onion Flats Unit, as scrub-shrub wetlands are restored. The surrounding upland areas would become mixed forest. At the Riverboat, Rock Creek, and Wapato Lake Units, management would be the same as Alternative 2. The Refuge's staff would continue to explore opportunities for connecting to regional trails. At the Wapato Lake Unit, opportunities for public use would be explored as an adequate land base and access are acquired, and habitat restoration decisions are made. In the near-term, we would pursue education and recreation activities in the community. Limited expansion of the environmental education and recreation programs would occur on the Sherwood Unit under Alternative 3. Improving the quality of existing public uses would be emphasized.

Public Availability of Documents

In addition to methods in **ADDRESSES**, you can obtain documents on our web site: *www.fws.gov/tualatinriver/refugeplanning.htm;* or at the following public libraries.

Library	Address	Phone No.
Sherwood Public Library	21901 SW Sherwood Blvd., Sherwood, OR 97140	503–625–6688
Tigard Public Library	13500 SW Hall Blvd., Tigard, OR 97223	503–684–6537
Tualatin Public Library	18878 Southwest Martinazzi, Tualatin, OR 97062	503–691–3071
Forest Grove Public Library	2114 Pacific Avenue, Forest Grove, OR 97116	503–992–3247
Beaverton Public Library	12375 Southwest 5th Street, Beaverton, OR 97005	503–644–2197

Public Meetings

We will hold a public open house meeting during the public comment period. We will announce the open house date, time, and location in a news release, planning update, and on our Web site.

Next Steps

After this comment period ends, we will analyze the comments and address them in our final CCP.

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.

Dated: June 26, 2012.

Hugh Morrison,

Acting Regional Director, Pacific Region, Portland, Oregon.

[FR Doc. 2012–25676 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–R–2012–N142; FXRS12610200000S3–123–FF02R06000]

Trinity River National Wildlife Refuge, Liberty County, TX; Final Comprehensive Conservation Plan and Finding of No Significant Impact for Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for the environmental assessment (EA) for the Trinity River National Wildlife Refuge (Refuge). In this final CCP, we describe how we will manage this Refuge for the next 15 years.

ADDRESSES: You may view or obtain copies of the final CCP and FONSI/EA by any of the following methods. You may request a hard copy or CD–ROM.

Agency Web Site: Download a copy of the documents at *http://www.fws.gov/southwest/refuges/Plan/planindex.html.*

Email: Joseph_Lujan@fws.gov. Include ''Trinity River NWR final CCP'' in the subject line of the message.

Mail: Joseph R. Lujan, Natural Resource Planner, U.S. Fish and Wildlife Service, Division of Planning, P.O. Box 1306, Albuquerque, NM 87103–1306.

In-Person Viewing or Pickup: Call 505–248–7458 to make an appointment during regular business hours at 500 Gold Avenue SW., Albuquerque, NM 87102 or the Trinity River NWR Headquarters, 601 FM 1011, Liberty, TX 77575; phone: 936–336–9786.

FOR FURTHER INFORMATION CONTACT: Stuart Marcus, Refuge Manager, Trinity River NWR, CCP Project, P.O. Box 10015, Liberty, TX 77575; 936- 336–9786 phone; or 936–336–9847 fax.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we finalize the CCP process for Trinity River NWR. We started this process through a notice in the *Federal Register* (72 FR 45059; August 10, 2007). We released the draft CCP and the EA to the public, announcing and requesting comments in a notice of availability in the *Federal Register* (77 FR 18853–18856; March 28, 2012).

The Trinity River NWR, which consists of over 25,000 acres, is located approximately 50 miles northeast of Houston, and 40 miles west of Beaumont Texas. The primary purpose of the Refuge is to protect a remnant of the bottomland hardwood forest ecosystem along the Trinity River. The Refuge was officially established on January 4, 1994, and continues to acquire, restore, and preserve bottomland hardwood forests.

We announce our decision and the availability of the FONSI for the final CCP for Trinity River NWR in accordance with National Environmental Policy Act (NEPA) (40 CFR 1506.6(b)) requirements. We completed a thorough analysis of impacts on the human environment, which we included in the EA that accompanied the draft CCP.

The CCP will guide us in managing and administering Trinity River NWR for the next 15 years. Alternative C, as we described in the final CCP, is the foundation for the CCP.

Background

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Refuge Administration Act.

CCP Alternatives, Including Selected Alternative

Our draft CCP/EA (77 FR 18853; March 28, 2012) addressed several issues. To address these, we developed and evaluated the following alternatives.

Alternatives	A—No-Action alternative (Current practices)	B—Improved habitat management and public use alternative	C—Optimal habitat management and public use (Proposed action) alternative
Issues			
Habitat and Wildlife Management Issues			
1. Native Flora/Fauna Conservation.	Conserve/restore bottomland hardwood forests. Restore native flora; reintroduce native fauna; manage native nuisance flora/fauna.	Same as Alternative A, plus use prescribed fire for resource management and initiate baseline monitoring for flora and fauna.	Same as Alternative B
2. Invasive Flora/Fauna Management.	Remove exotic and invasive flora/fauna as resources permit; prevent reintroduction of exotic and invasive flora/fauna as resources permit.	Same as Alternative A, plus develop invasive species strike team and map ''hotspots'' to prioritize management efforts.	Same as Alternative B.
3. Wetland Management	Maintain the integrity of water control structures/levees; conduct water-quality sampling and fish surveys.	Same as Alternative A, plus conduct small-scale restoration of hydrological flow at Champion Lake South unit.	Same as Alternative B.

Alternatives	A—No-Action alternative (Current practices)	B—Improved habitat management and public use alternative	C—Optimal habitat management and public use (Proposed action) alternative
4. Land Acquisition	Acquire lands from willing sellers within the approved acquisition boundary on a case-by-case basis.	Update Trinity River Floodplain Habitat Stewardship Program and Land Protection Plan to update the acquisition boundary; assign refuge realty specialist to Refuge office.	Same as Alternative B.
5. Climate Change	Plant trees to sequester carbon; use "green" technologies wherever possible, and recycle.	Same as Alternative A, plus gather baseline inventory and monitoring data.	Same as Alternative B.
6. Resource Protection	Assign refuge law enforcement officer to patrol 25,000 acres, backed up by opportunistic observations by other refuge staff.	Same as Alternative A, plus add patrols using other refuges' law enforcement officers.	Same as Alternative B, plus add an additional officer to patrol up to 80,000 acres.
Visitor Services Issues			
1. Hunting	Designate units open to hunting by permit only, for big game, upland game, and waterfowl, as is currently the case in eight units.	Same as Alternative A, plus open one additional unit for big game hunting at Champion Lake South unit.	Same as Alternative B, plus open one additional unit for big game and upland game hunting at Palmetto unit.
2. Fishing	Direct visitors to Champion Lake and Pickett's Bayou.	Same as Alternative A, plus direct visitors to McGuire and Silver Lake units when piers are developed.	Same as Alternative B, plus direct visitors to Brierwood unit once pier is developed.
3. Wildlife Observation	Open refuge to wildlife observation; direct visitors to eight public use areas.	Same as Alternative A plus open 1 additional area at Champion Lake South unit.	Same as Alternative B, plus open one additional area at Palmetto unit.
4. Wildlife Photography	Open refuge to photography; direct visitors to eight public use areas.	Same as Alternative A plus construct photo blind at Brierwood unit.	Same as Alternative B, plus construct photo blind at McGuire unit.
5. Environmental Education	Do not develop environmental education programs on the refuge.	Develop off-refuge environmental education curricula, working with local schools to meet State requirements.	Same as Alternative B, plus develop on-refuge program, upon the completion of the educational facility at Champion Lake Public Use Area.
6. Interpretation	Host two on-refuge annual festivals, on Earth Day and on Free Family Fishing Day; host approximately six off-refuge annual events, such as county jubilee and various public speaking events.	Same as Alternative A, plus host approximately 10 additional off-refuge events, as requested; develop and provide self-guided interpretative materials at Champion Lake and Brierwood units.	Same as Alternative B, plus develop interpretive programs at visitor center; develop and provide kiosks in all areas with public use facilities.
Facilities Issues			
1. Public Use Access	Allow vehicular on designated unpaved roads; allow walk-in-only access on eight designated units; allow boating access on Pickett's Bayou and Champion Lake.	Same as Alternative A, plus improve road to McGuire Pond; establish canoe/kayak launch site at Brierwood unit.	Same as Alternative B, plus open trail at Champion Lake South unit.
2. Public Use Facilities	Maintain current limited facilities at Champion Lake Public Use Area, including fishing pier, butterfly garden, parking, and portable toilet. Seven other public use areas have only one parking lot each and one photo blind each.	Rehabilitate the Lodge at Champion Lake Public Use Area, pave the road at Champion Lake Public Use Area, and construct fishing pier at McGuire unit.	Construct visitor center adjacent to headquarters; construct fishing piers at Brierwood unit; construct full-service bathroom at Champion Lake Public Use Area.
3. Administrative Facilities	Maintain refuge-owned headquarters and storage facility along FM 1011.	Construct a maintenance shop at Champion Lake equipment storage area.	Rehabilitate the two-room log cabin at Champion Lake for use for staff and volunteer offices.

Comments

We solicited comments on the draft CCP and the EA for the Trinity River NWR from March 28, 2012, to May 4, 2012 (77 FR 718853; March 28, 2012). The public was notified of the release of the draft CCP and the EA through the NOA, through local media outlets, and public notices were posted on various community bulletin boards and postcards were mailed to over 700 individuals identified on the refuge mailing list. The draft CCP and EA were made available, online, at the Regional Office in Albuquerque, at the Refuge,

and at four public libraries in surrounding communities. A public open house meeting was held on April 10, 2012. The Service received two comment letters. The comments were thoroughly reviewed and the CCP did not change substantially based on public comment.

Selected Alternative

After considering the comments we received, we have selected Alternative C for implementation. Alternative C was selected over the other alternatives because it best meets the Refuge's vision for the future, the purposes for which the Refuge was established, and the habitat, wildlife and visitor services goals identified in the CCP. This alternative is the basis for the CCP and describes how habitat objectives will be accomplished through a combination of management activities to encourage ecological integrity, promote restoration of bottomland hardwood forest habitat along the Trinity River, control invasive species. This alternative will not adversely impact trust resources, including threatened and endangered species, or their habitat. Opportunities for wildlife-dependent recreation activities, such as hunting, fishing, observation, photography, environmental education, and interpretation will be enhanced. Future management actions will have a neutral or positive impact on the local economy and the recommendations in the CCP will ensure that refuge management is consistent with the mission of the National Wildlife Refuge System.

Public Availability of Documents

In addition to the methods in **ADDRESSES**, you can view or obtain documents at the following locations:

- At the following libraries:

Library	Address	Phone No.
Liberty Municipal Library	1710 Sam Houston Ave Liberty, TX 77575	936–336–8901
Dayton Library	307 W. Houston Dayton, TX 77535	936–258–7060
Austin Memorial Library	220 S. Bonham Cleveland, TX 77327	281–592–3920
Tarkington Community Library	3032 FM 163 Rd Cleveland, TX 77327	281–592–5136

Benjamin N. Tuggle,

Regional Director, Southwest Region.

[FR Doc. 2012–25942 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB01000 L51100000.GN0000.LVEMF12CF010 241A; NVN–082096; NVN–084632; NVN–091272; 12–08807; MO# 4500039779; TAS: 14X5017]

Notice of Availability of the Final Environmental Impact Statement for the Mount Hope Project, Eureka County, NV

Correction

In notice document 2012–25182, appearing on pages 62256–62257 in the issue of Friday, October 12, 2012, make the following correction:

On page 62256, in the second column, on the twenty-eigth and twenty-ninth lines, ''Eureka County, NE'' should read ''Eureka County, Nevada''.

[FR Doc. C1–2012–25182 Filed 10–19–12; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA 942000 L57000000 BX0000]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of lands described below are scheduled to be officially filed in the Bureau of Land Management California State Office, Sacramento, California, thirty (30) calendar days from the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, upon required payment.

Protest: A person or party who wishes to protest a survey must file a notice that they wish to protest with the California State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California, 95825.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Geographic Services, Bureau of Land Management, California State Office, 2800 Cottage Way, Room W–1623, Sacramento, California 95825, (916) 978–4310.

SUPPLEMENTARY INFORMATION: These surveys were executed to meet the administrative needs of various federal agencies; the Bureau of Land Management, Bureau of Indian Affairs or Bureau of Reclamation. The lands surveyed are:

Humboldt Meridian, California

T. 4 S., R. 1 W., dependent resurvey and survey accepted September 26, 2012.

Mount Diablo Meridian, California

T. 41 N., R. 10 E., dependent resurvey and subdivision of sections accepted September 19, 2012.

T. 18 N., R. 7 W., protraction diagram for unsurveyed area accepted September 19, 2012.

T. 7 S., R. 32 E., dependent resurvey and metes-and-bounds survey accepted September 27, 2012.

T. 10 N., R 10 E., dependent resurvey, subdivision of section, and metes-and-bounds survey accepted September 27, 2012.

Authority: 43 U.S.C., Chapter 3.

Dated: October 10, 2012,

Lance J. Bishop,

Chief Cadastral Surveyor, California.

[FR Doc. 2012–25950 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM940000. L1420000.BJ0000]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of Plats of Survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

SUPPLEMENTARY INFORMATION:

Indian Meridian, Oklahoma (OK)

The plat, representing the dependent resurvey and survey in Township 20 North, Range 10 East, of the Indian Meridian, accepted September 6, 2012, for Group 208 OK.

The plat, representing the dependent resurvey and survey in Township 14 North, Range 25 East, of the Indian Meridian, accepted September 6, 2012, for Group 198 OK.

The plat, in two sheets, representing the dependent resurvey and survey in Township 2 North, Range 11 West, of the Indian Meridian, accepted September 19, 2012, for Group 218 OK.

The plat, representing the dependent resurvey and survey in Township 14 North, Range 9 West, of the Indian Meridian, accepted September 19, 2012, for Group 215 OK.

New Mexico Principal Meridian, New Mexico (NM)

The plat representing the dependent resurvey and survey, in Township 17 North, Range 12 West, of the New Mexico Principal Meridian, accepted August 17, 2012, for Group 1138 NM.

The plat, representing the dependent resurvey and survey for the Cieneguilla Grant, of the New Mexico Principal Meridian, accepted August 9, 2012, for Group 1143 NM.

The plat, in two sheets, representing the dependent resurvey and survey in Township 10 North, Range 20 West, of the New Mexico Principal Meridian, accepted September 6, 2012, for Group 1123 NM.

The plat, in two sheets, representing the dependent resurvey and survey in Township 12 North, Range 4 East, of the New Mexico Principal Meridian, accepted September 28, 2012, for Group 1137 NM.

FOR FURTHER INFORMATION CONTACT: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Marcella Montoya at 505–954–2097, or by email at *mmontoya@blm.gov,* for assistance. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours.

These plats are to be scheduled for official filing 30 days from the notice of publication in the **Federal Register,** as provided for in the BLM Manual Section 2097—Opening Orders. Notice from this office will be provided as to the date of said publication. If a protest against a survey, in accordance with 43 CFR 4.450–2, of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the Bureau of Land Management New Mexico State Director stating that they wish to protest.

A statement of reasons for a protest may be filed with the Notice of protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Robert A. Casias,

Deputy State Director, Cadastral Survey/ GeoSciences.

[FR Doc. 2012–25900 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–CHCH–10687; 5220–726]

Minor Boundary Revision at Chickamauga and Chattanooga National Military Park

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: Notice is hereby given that, pursuant to 16 U.S.C. 460*l*–9(c)(1)(ii), the boundary of Chickamauga and Chattanooga National Military Park is modified to include an additional 13.75 acres of land identified as Tract 11–109. The tract, also known as the Model Airplane Field, is located on the west side of Moccasin Bend Road in Hamilton County, Tennessee, across the Tennessee River from downtown Chattanooga. Three sides of the property are contiguous to the current boundary of the park. The boundary revision is depicted on Map No. 301/112,683 dated February 2012. The map is available for inspection at the following locations: National Park Service, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW., Atlanta, Georgia 30303, and National Park Service, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: National Park Service, Chief, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW., Atlanta, Georgia 30303, telephone (404) 507–5664.

DATES: The effective date of this boundary revision is October 22, 2012.

SUPPLEMENTARY INFORMATION: 16 U.S.C. 460*l*–9(c)(1)(ii) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition of Tract 11–109 by donation will enable the National Park Service to manage and protect significant archeological resources located in the Moccasin Bend National Archeological District Unit of the park.

Dated: September 10, 2012.

David Vela,

Regional Director, Southeast Region.

[FR Doc. 2012–25964 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–YU–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Water Management Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The following Water Management Plans are available for review:

- Orange Vale Water District
- City of Folsom
- Santa Clara Water Valley Water District
- El Dorado Irrigation District
- Lower Tule River Irrigation District
- City of Roseville
- East Bay Municipal Utility District
- Southern San Joaquin Municipal Utility District
- Fair Oaks Water District
- Pixley Irrigation District
- Porterville Irrigation District

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation developed and published the Criteria for Evaluating Water Management Plans (Criteria). For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above entities have each developed a Plan, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the Plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (i.e., draft) determination of Plan adequacy is invited at this time.

DATES: All public comments must be received by November 21, 2012.

ADDRESSES: Please mail comments to Ms. Laurie Sharp, Bureau of

Reclamation, 2800 Cottage Way, MP–410, Sacramento, California, 95825, or email at *lsharp@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Sharp at the email address above or 916–978–5232 (TDD 978–5608).

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (i.e., draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Pub. L. 102–575), requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices that shall ''develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these criteria must be developed ''with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' These criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare a Plan that contains the following information:

1. Description of the District
2. Inventory of Water Resources
3. Best Management Practices (BMPs) for Agricultural Contractors
4. BMPs for Urban Contractors
5. Plan Implementation
6. Exemption Process
7. Regional Criteria
8. Five-Year Revisions

Reclamation evaluates Plans based on these criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific Regional Office, 2800 Cottage Way, MP–410, Sacramento, California 95825. Our practice is to make comments, including names and home addresses of respondents, available for public review. If you wish to review a copy of these Plans, please contact Ms. Sharp.

Public Disclosure

Before including your name, 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.

Richard J. Woodley,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 2012–25933 Filed 10–19–12; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–489 (Final) and 731–TA–1201 (Final)]

Drawn Stainless Steel Sinks From China

Scheduling of the final phase of countervailing duty and antidumping investigations.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigation No. 701–TA–489 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigation No. 731–TA–1201 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from China of drawn stainless steel sinks, provided for in subheading 7324.10.00 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* October 4, 2012.

FOR FURTHER INFORMATION CONTACT: Stefania Pozzi Porter (202–205–3177), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of drawn stainless steel sinks, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on March 1, 2012, by Elkay Manufacturing Company, Oak Brook, IL.

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''drawn stainless steel sinks with single or multiple drawn bowls, with or without drain boards, whether finished or unfinished, regardless of type of finish, gauge, or grade of stainless steel. Mounting clips, fasteners, seals, and sound-deadening pads are also covered by the scope of these investigations if they are included within the sales price of the drawn stainless steel sinks. (Mounting clips, fasteners, seals, and sound-deadening pads are not covered by the scope of these investigations if they are not included within the sales price of the drawn stainless steel sinks, regardless of whether they are shipped with or entered with drawn stainless steel sinks.) For purposes of this scope definition, the term ''drawn'' refers to a manufacturing process using metal forming technology to produce a smooth basin with seamless, smooth, and rounded corners. Drawn stainless steel sinks are available in various shapes and configurations and may be described in a number of ways including flush mount, top mount, or undermount (to indicate the attachment relative to the countertop). Stainless steel sinks with multiple drawn bowls that are joined through a welding operation to form one unit are covered by the scope of the investigations. Drawn stainless steel sinks are covered by the scope of the investigations whether or not they are sold in conjunction with non-subject accessories such as faucets (whether attached or unattached), strainers, strainer sets, rinsing baskets, bottom grids, or other accessories. Excluded from the scope of the investigations are stainless steel sinks with fabricated bowls. Fabricated bowls do not have seamless corners, but rather are made by notching and bending the stainless steel, and then welding and finishing the vertical corners to form the bowls. Stainless steel sinks with fabricated bowls may sometimes be referred to as ''zero radius'' or ''near zero radius'' sinks.''

participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on February 6, 2013, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on February 21, 2013, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before February 15, 2013. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on February 19, 2013, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is February 13, 2013. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is February 28, 2013. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before February 28, 2013. On March 15, 2013, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 19, 2013, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to electronic filing have been amended. The amendments took effect on November 7, 2011. See 76 FR 61937 (Oct. 6, 2011) and the newly revised Commission's Handbook on E-Filing, available on the Commission's Web site at *http://edis.usitc.gov.*

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: October 17, 2012.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–25953 Filed 10–19–12; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–858]

Certain Devices With Secure Communication Capabilities, Components Thereof, and Products Containing Same; Institution of Investigation Pursuant to United States Code

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 14, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of VirnetX, Inc., of Zephyr Cove, Nevada and Science Applications International Corporation of McLean, Virginia. A supplement to the complaint was filed on September 28, 2012. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain devices with secure communication capabilities, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,051,181 (''the '181 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room

112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 15, 2012, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain devices with secure communication capabilities, components thereof, and products containing the same that infringe one or more of claims 1, 2, 5–9, 14, 15, 17–19, 22, 24, and 26–29 of the '181 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

VirnetX, Inc., 308 Dorla Court, Suite 206, Zephyr Cove, NV 89448;

Science Applications International Corporation, 1710 SAIC Drive, McLean, VA 22102.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served; and Apple Inc., One Infinite Loop, Cupertino, CA 95014.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 16, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012–25863 Filed 10–19–12; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[Docket No. OTJ 104]

Solicitation of Comments on Request for United States Assumption of Concurrent Federal Criminal Jurisdiction; Table Mountain Rancheria

AGENCY: Office of Tribal Justice, Department of Justice.

ACTION: Notice.

SUMMARY: This notice solicits public comments on the Request for United States Assumption of Concurrent Federal Criminal Jurisdiction recently submitted to the Office of Tribal Justice, Department of Justice by the Table Mountain Rancheria pursuant to the provisions of 28 CFR 50.25.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before December 6, 2012. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until Midnight Eastern Time at the end of that day.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or Hand Delivery/Courier:* submit written comments via regular or express mail to Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW., Room 2310, Washington, DC 20530.
- Fax: submit comments to the attention of Mr. Tracy Toulou, Office of Tribal Justice, Department of Justice, (202) 514–9078 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, at (202) 514–8812 (not a toll-free number). To ensure proper handling of comments, please reference ''Docket No. OTJ 104'' on all electronic and written correspondence. The Department encourages all comments be submitted electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. Paper comments that duplicate the electronic submission are not necessary as all comments submitted to *http://www.regulations.gov* will be posted for public review and are part of the official docket record.

SUPPLEMENTARY INFORMATION: *Posting of Public Comments.* Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name and address) voluntarily submitted by the commenter.

You are not required to submit personal identifying information in order to comment on this rule. Nevertheless, if you want to submit personal identifying information (such as your name and address) as part of your comment, but do not want it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You also must locate all the personal identifying information you do not want posted online in the first paragraph of your comment and

identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You also must prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *http://www.regulations.gov.*

Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. If you wish to inspect the agency's public docket file in person by appointment, please see the paragraph above entitled **FOR FURTHER INFORMATION CONTACT**.

Statutory Background

For more than two centuries, the Federal Government has recognized Indian tribes as domestic sovereigns that have unique government-to-government relationships with the United States. Congress has broad authority to legislate with respect to Indian tribes, however, and has exercised this authority to establish a complex jurisdictional scheme for the prosecution of crimes committed in Indian country. (The term ''Indian country'' is defined in 18 U.S.C. 1151.) Criminal jurisdiction in Indian country typically depends on several factors, including the nature of the crime; whether the alleged offender, the victim, or both are Indian; and whether a treaty, Federal statute, executive order, or judicial decision has conferred jurisdiction on a particular government.

The Tribal Law and Order Act (TLOA) was enacted on July 29, 2010, as Title II of Public Law 111–211. The purpose of the TLOA is to help the Federal Government and tribal governments better address the unique public-safety challenges that confront tribal communities. Section 221(b) of the new law, now codified at 18 U.S.C. 1162(d), permits an Indian tribe with Indian country subject to State criminal jurisdiction under Public Law 280, P.L. 83–280, 67 Stat. 588 (1953) to request that the United States accept concurrent jurisdiction to prosecute violations of the General Crimes Act and the Major Crimes Act within that tribe's Indian country.

Department of Justice Regulation Implementing 18 U.S.C. 1162(d)

On December 6, 2011, 76 FR 76037 the Department published final regulations that established the framework and procedures for a mandatory Public Law 280 tribe to request the assumption of concurrent Federal criminal jurisdiction within the Indian country of the tribe that is subject to Public Law 280. 28 CFR 50.25. Among other provisions, the regulations provide that upon receipt of a tribal request the Office of Tribal Justice shall publish a notice in the **Federal Register** seeking comments from the general public.

Request by the Table Mountain Rancheria

By a request dated May 14, 2012, the Table Mountain Rancheria located in the State of California requested the United States to assume concurrent Federal jurisdiction to prosecute violations of 18 U.S.C. 1152 (the General Crimes, or Indian Country Crimes, Act) and 18 U.S.C. 1153 (the Major Crimes Act) within the Indian country of the tribe. This would allow the United States to assume concurrent criminal jurisdiction over offenses within the Indian country of the tribe without eliminating or affecting the State's existing criminal jurisdiction.

Solicitation of Comments

This notice solicits public comments on the above request.

Dated: October 15, 2012.

Tracy Toulou,

Director, Office of Tribal Justice.

[FR Doc. 2012–25892 Filed 10–19–12; 8:45 am]

BILLING CODE 4410–A5–P

DEPARTMENT OF JUSTICE

[Docket No. OTJ 105]

Solicitation of Comments on Request for United States Assumption of Concurrent Federal Criminal Jurisdiction; Hoopa Valley Tribe

AGENCY: Office of Tribal Justice, Department of Justice.

ACTION: Notice.

SUMMARY: This notice solicits public comments on the Request for United States Assumption of Concurrent Federal Criminal Jurisdiction recently submitted to the Office of Tribal Justice, Department of Justice by the Hoopa Valley Tribe pursuant to the provisions of 28 CFR 50.25. The initial notice soliciting public comments on this Request was published in the **Federal Register** on April 24, 2012; the comment period associated with the initial notice ended on June 8, 2012. The Office of Tribal Justice is publishing notice again in response to requests for additional time to provide public comments.

DATES: Written comments must be postmarked and electronic comments must be submitted on or before December 6, 2012. Comments received by mail will be considered timely if they are postmarked on or before that date. The electronic Federal Docket Management System (FDMS) will accept comments until Midnight Eastern Time at the end of that day.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or Hand Delivery/Courier:* submit written comments via regular or express mail to Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW., Room 2310, Washington, DC 20530.
- *Fax:* submit comments to the attention of Mr. Tracy Toulou, Office of Tribal Justice, Department of Justice, (202) 514–9078 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, at (202) 514–8812 (not a toll-free number). To ensure proper handling of comments, please reference ''Docket No. OTJ 105'' on all electronic and written correspondence. The Department encourages all comments be submitted electronically through *http://www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of the request for United States assumption of concurrent federal criminal jurisdiction submitted by the Hoopa Valley Tribe is also available at the *http://www.regulations.gov* Web site for easy reference. Paper comments that duplicate the electronic submission are not necessary as all comments submitted to *http://www.regulations.gov* will be posted for public review and are part of the official docket record.

SUPPLEMENTARY INFORMATION: *Posting of Public Comments.* Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name and address) voluntarily submitted by the commenter.

You are not required to submit personal identifying information in

order to comment on this rule. Nevertheless, if you want to submit personal identifying information (such as your name and address) as part of your comment, but do not want it to be posted online, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You also must locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You also must prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on *http://www.regulations.gov.*

Personal identifying information and confidential business information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. If you wish to inspect the agency's public docket file in person by appointment, please see the paragraph above entitled **FOR FURTHER INFORMATION CONTACT**.

Statutory Background

For more than two centuries, the Federal Government has recognized Indian tribes as domestic sovereigns that have unique government-to-government relationships with the United States. Congress has broad authority to legislate with respect to Indian tribes, however, and has exercised this authority to establish a complex jurisdictional scheme for the prosecution of crimes committed in Indian country. (The term ''Indian country'' is defined in 18 U.S.C. 1151.) Criminal jurisdiction in Indian country typically depends on several factors, including the nature of the crime; whether the alleged offender, the victim, or both are Indian; and whether a treaty, Federal statute, executive order, or judicial decision has conferred jurisdiction on a particular government.

The Tribal Law and Order Act (TLOA) was enacted on July 29, 2010, as Title II of Public Law 111–211. The purpose of the TLOA is to help the Federal Government and tribal governments better address the unique public-safety challenges that confront tribal communities. Section 221(b) of the new law, now codified at 18 U.S.C. 1162(d), permits an Indian tribe with Indian country subject to State criminal jurisdiction under Public Law 280, P.L. 83–280, 67 Stat. 588 (1953) to request that the United States accept concurrent jurisdiction to prosecute violations of the General Crimes Act and the Major Crimes Act within that tribe's Indian country.

Department of Justice Regulation Implementing 18 U.S.C. 1162(d)

On December 6, 2011, 76 FR 76037 the Department published final regulations that established the framework and procedures for a mandatory Public Law 280 tribe to request the assumption of concurrent Federal criminal jurisdiction within the Indian country of the tribe that is subject to Public Law 280. 28 CFR 50.25. Among other provisions, the regulations provide that upon receipt of a tribal request the Office of Tribal Justice shall publish a notice in the **Federal Register** seeking comments from the general public.

Request by the Hoopa Valley Tribe

By a request dated January 17, 2012, the Hoopa Valley Tribe located in the State of California requested the United States to assume concurrent Federal jurisdiction to prosecute violations of 18 U.S.C. 1152 (the General Crimes, or Indian Country Crimes, Act) and 18 U.S.C. 1153 (the Major Crimes Act) within the Indian country of the tribe. This would allow the United States to assume concurrent criminal jurisdiction over offenses within the Indian country of the tribe without eliminating or affecting the State's existing criminal jurisdiction.

Solicitation of Comments

This notice solicits public comments on the above request.

Dated: October 15, 2012.

Tracy Toulou,

Director, Office of Tribal Justice.

[FR Doc. 2012–25895 Filed 10–19–12; 8:45 am]

BILLING CODE 4410–A5–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0019]

National Advisory Committee on Occupational Safety and Health (NACOSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of meetings of the National Advisory Committee on Occupational Safety and Health (NACOSH) and a NACOSH Work Group.

SUMMARY: NACOSH will meet November 15, 2012, in Washington, DC. In conjunction with the committee meeting, the NACOSH Effectiveness Measures Work Group will meet on November 14, 2012.

DATES: *NACOSH meeting:* NACOSH will meet from 9 a.m. to 5 p.m. on Thursday, November 15, 2012.

NACOSH Work Group meeting: The NACOSH Effectiveness Measures Work Group will meet from 1–4 p.m., Wednesday, November 14, 2012.

Submission of comments, requests to speak, speaker presentations and requests for special accommodation: You must submit (postmark, send, transmit, deliver) comments, requests to speak at the NACOSH meeting, speaker presentations, and requests for special accommodations for the NACOSH and NACOSH Work Group meetings by November 2, 2012.

ADDRESSES: *NACOSH and NACOSH Work Group meetings:* NACOSH and NACOSH Work Group meetings will meet in Room S–4215 A/B/C U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Submission of comments, requests to speak and speaker presentations: You may submit comments, requests to speak at the NACOSH meeting and speaker presentations, which you must identify by the docket number in this **Federal Register** notice (Docket No. OSHA–2012–0019), by one of the following methods:

Electronically: You may submit materials, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for making submissions.

Facsimile: If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Mail, express delivery, messenger or courier service: You may submit your materials to the OSHA Docket Office, Docket No. OSHA–2012–0019, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (887) 889–5627). Deliveries (hand, express mail, messenger, courier service) are accepted during the Department of Labor's and OSHA Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t., weekdays.

Requests for special accommodation: Please submit requests for special

accommodations for the NACOSH and NACOSH Work Group meetings to Ms. Veneta Chatmon, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *chatmon.veneta@dol.gov.*

Instructions: All submissions must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2012–0019). Because of security-related procedures, submission by regular mail may result in significant delay in receipt. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information about submitting comments, requests to speak and speaker presentations see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will place in the public docket comments, requests to speak and speaker presentations, including any personal information you provide, and they may be available online. Therefore, OSHA cautions individuals about submitting personal information such as Social Security numbers and birthdates.

FOR FURTHER INFORMATION CONTACT: *For press inquiries:* Mr. Frank Meilinger, OSHA, Office of Communications, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information: Ms. Deborah Crawford, OSHA, Directorate of Evaluation and Analysis, U.S. Department of Labor, Room N–3641, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1932; email *crawford.deborah@dol.gov.*

SUPPLEMENTARY INFORMATION:

NACOSH Meeting

NACOSH will meet Thursday, November 15, 2012, in Washington, DC. NACOSH meetings are open to the public.

Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) authorizes NACOSH to advise the Secretaries of Labor and Health and Human Services on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory body and operates in compliance with the OSH Act, the Federal Advisory Committee Act (5 U.S.C. App. 2), and regulations issued pursuant to those laws (29 CFR 1912a, 41 CFR Part 102–3).

The tentative agenda of the NACOSH meeting includes:

- Remarks from the Assistant Secretary of Labor for Occupational Safety and Health (OSHA);
- Remarks from the Director of the National Institute for Occupational Safety and Health (NIOSH);
- NACOSH Work Group report and discussion;
- NACOSH and NACOSH Work Group administrative business; and
- Public comments.

OSHA transcribes NACOSH meetings and prepares detailed minutes of the meetings. OSHA places the meeting transcripts and minutes in the public record of the NACOSH meeting. The public record also includes Work Group reports, speaker presentations, comments and other materials submitted to NACOSH.

NACOSH Work Group

The NACOSH Effectiveness Measures Work Group meeting on November 14, 2012, is open to the public. The purpose of the Work Group is to provide recommendations to the full NACOSH committee on approaches for measuring the effectiveness of OSHA's strategies, programs and activities. The Work Group will report to NACOSH at the November 15, 2012, meeting for discussion by the full Committee.

Public Participation

NACOSH and NACOSH Work Group meetings: NACOSH and NACOSH Work Group meetings are open to the public. Any individual attending meetings at the U.S. Department of Labor must enter the building at the Visitors' Entrance, 3rd and C Streets NW., and pass through Building Security. Attendees must have valid photo identification to enter the building. Please contact Ms. Crawford for additional information about building security measures for attending the NACOSH and NACOSH Work Group meetings.

Individuals requesting special accommodation to attend NACOSH and NACOSH Work Group meetings must contact Ms. Chatmon by November 7, 2012.

Submission of comments, requests to speak and speaker presentations: Interested persons must submit written comments, requests to speak at the NACOSH meeting and speaker presentations by November 7, 2012, using one of the methods listed in the **ADDRESSES** section. All submissions must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2012–0019). OSHA will provide submissions to NACOSH members prior to the meeting.

Because of security-related procedures, submission by regular mail may result in significant delay in receipt. Please contact the OSHA Docket Office for information about security procedures for making submissions by hand delivery, express delivery, messenger or courier service.

Requests to speak must state the amount of time requested to speak, the interest the individual represents (e.g., organization name), if any, and a brief outline of the presentation. Electronic speaker presentations (e.g., PowerPoint) must be compatible with PowerPoint 2010 and other Microsoft 2010 formats. Requests to address NACSOH may be granted as at the discretion of the NACOSH chair and as time permits.

Public docket of the NACOSH and NACOSH Work Group meetings: OSHA puts comments, requests to speak and speaker presentations, including any personal information you provide, in the public record of this NACOSH meeting without change and those documents may be available online at *http://www.regulations.gov.* Therefore, OSHA cautions individuals about submitting certain personal information such as Social Security numbers and birthdates.

OSHA also puts the meeting transcripts and minutes, Work Group reports and other documents from the NACOSH meeting in the public record of the NACOSH meeting. Although all submissions are listed in the *http://www.regulations.gov* index, some documents (e.g., copy righted materials) are not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspection and copying in the OSHA Docket Office.

To read or download documents in the public record of the NACOSH meeting, go to Docket No. OSHA–2012–0019 at *http://www.regulations.gov.* Please contact the OSHA Docket Office for information about materials not available through that Web page and for assistance in using the Internet to locate submissions and other documents in the public record.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, also is available on the OSHA Web page at *http://www.osha.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by Section

7 of the Occupational Safety and Health Act of 1970 (U.S.C. 656), the Federal Advisory Committee Act (5 U.S.C. App. 2); 29 CFR Part 1912a; 41 CFR Part 102–3; and Secretary of Labor's Order No. 1–2012 (77 FR 3912 1/25/2012).

Signed at Washington, DC, on October 17, 2012.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2012–25938 Filed 10–19–12; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Notice of Intent to Award—Grant Awards for the Provision of Civil Legal Services to Eligible Low-Income Clients Beginning January 1, 2013

AGENCY: Legal Services Corporation.

ACTION: Announcement of intention to make FY 2013 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, beginning January 1, 2013.

DATES: All comments and recommendations must be received on or before the close of business on November 21, 2012.

ADDRESSES: Legal Services Corporation—Competitive Grants, Legal Services Corporation, 3333 K Street NW., Third Floor, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Reginald Haley, Office of Program Performance, at (202) 295–1545, or *haleyr@lsc.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to LSC's announcement of funding availability on April 2, 2012 (77 FR 19738), and Grant Renewal applications due beginning June 4, 2012, LSC intends to award funds to provide civil legal services in the indicated service areas. Applicants for each service area are listed below. Amounts are annualized, based on the FY2013 Continuing Resolution, and are subject to change.

State and service area	Name of applicant organization	Estimated annualized 2013 funding amount
Alabama:		
AL–4	Legal Services Alabama, Inc	$6,074,541
MAL	Texas RioGrande Legal Aid, Inc	31,110
Alaska:		
AK–1	Alaska Legal Services Corporation	703,234
NAK–1	Alaska Legal Services Corporation	512,474
Arizona:		
AZ–2	DNA-Peoples Legal Services, Inc	510,311
AZ–3	Community Legal Services, Inc	3,683,417
AZ–5	Southern Arizona Legal Aid, Inc	1,776,541
MAZ	Community Legal Services, Inc	140,384
NAZ–5	DNA-Peoples Legal Services, Inc	2,472,711
NAZ–6	Southern Arizona Legal Aid, Inc	604,011
Arkansas:		
MAR	Texas RioGrande Legal Aid, Inc	74,736
AR–6	Legal Aid of Arkansas, Inc	1,414,801
AR–7	Center for Arkansas Legal Services	2,111,920
California:		
MCA	California Rural Legal Assistance, Inc	2,496,051
CA–1	California Indian Legal Services, Inc	32,124
CA–12	Inland Counties Legal Services, Inc	3,965,411
CA–14	Legal Aid Society of San Diego, Inc	2,772,954
CA–19	Legal Aid Society of Orange County, Inc	3,873,069
CA–2	Greater Bakersfield Legal Assistance, Inc	892,465
CA–26	Central California Legal Services	2,792,169
CA–27	Legal Services of Northern California, Inc	3,450,168
CA–28	Bay Area Legal Aid	4,067,356
CA–29	Legal Aid Foundation of Los Angeles	7,711,494
CA–30	Neighborhood Legal Services of Los Angeles County	4,555,111
CA–31	California Rural Legal Assistance, Inc	4,552,084
NCA–1	California Indian Legal Services, Inc	837,189
Colorado:		
NCO–1	Colorado Legal Services	91,003
CO–6	Colorado Legal Services	3,261,399
MCO	Colorado Legal Services	140,428
Connecticut:		
CT–1	Statewide Legal Services of Connecticut, Inc	2,253,994
NCT–1	Pine Tree Legal Assistance, Inc	14,834
Delaware:		
DE–1	Legal Services Corporation of Delaware, Inc	587,889
MDE	Legal Aid Bureau, Inc	23,475
District of Columbia:		
DC–1	Neighborhood Legal Services Program of the District of Columbia	957,701
Florida:		
MFL	Florida Rural Legal Services, Inc	849,188
FL–13	Legal Services of North Florida, Inc	1,378,426
FL–14*	Three Rivers Legal Services, Inc	1,697,808

State and service area	Name of applicant organization	Estimated annualized 2013 funding amount
FL–14*	Jacksonville Area Legal Aid	1,697,808
FL–15	Community Legal Services of Mid-Florida, Inc	2,930,708
FL–16	Bay Area Legal Services, Inc	2,486,719
FL–17	Florida Rural Legal Services, Inc	2,617,954
FL–18	Coast to Coast Legal Aid of South Florida, Inc	1,760,212
FL–5	Legal Services of Greater Miami, Inc	3,356,943
Georgia:		
GA–1	Atlanta Legal Aid Society, Inc	2,448,647
GA–2	Georgia Legal Services Program	6,222,334
MGA	Georgia Legal Services Program	370,714
Guam:		
GU–1	Guam Legal Services Corporation	304,296
Hawaii:		
HI–1	Legal Aid Society of Hawaii	1,315,760
NHI–1	Legal Aid Society of Hawaii	217,062
Idaho:		
NID–1	Idaho Legal Aid Services, Inc	61,563
MID	Idaho Legal Aid Services, Inc	176,733
ID–1	Idaho Legal Aid Services, Inc	1,124,098
Illinois:		
IL–3	Land of Lincoln Legal Assistance Foundation, Inc	2,340,475
IL–6	Legal Assistance Foundation of Metropolitan Chicago	6,109,447
IL–7	Prairie State Legal Services, Inc	2,613,686
MIL	Legal Assistance Foundation of Metropolitan Chicago	236,032
Indiana:		
MIN	Indiana Legal Services, Inc	107,508
IN–5	Indiana Legal Services, Inc	4,785,816
Iowa:		
MIA	Iowa Legal Aid	35,676
IA–3	Iowa Legal Aid	2,220,897
Kansas:		
KS–1	Kansas Legal Services, Inc	2,255,008
Kentucky:		
KY–10	Legal Aid of the Bluegrass	1,200,276
KY–2	Legal Aid Society	1,114,127
KY–5	Appalachian Research and Defense Fund of Kentucky	1,922,620
KY–9	Kentucky Legal Aid	1,154,927
MKY	Texas RioGrande Legal Aid, Inc	40,241
Louisiana:		
MLA	Texas RioGrande Legal Aid, Inc	26,037
LA–1	Southeast Louisiana Legal Services Corporation	1,339,952
LA–10	Acadiana Legal Service Corporation	1,897,990
LA–11	Legal Services of North Louisiana, Inc	1,780,783
LA–12	Southeast Louisiana Legal Services Corporation	2,399,188
Maine:		
ME–1	Pine Tree Legal Assistance, Inc	1,117,240
MMX–1	Pine Tree Legal Assistance, Inc	118,090
NME–1	Pine Tree Legal Assistance, Inc	61,077
Maryland:		
MMD	Legal Aid Bureau, Inc	85,966
MD–1	Legal Aid Bureau, Inc	3,750,754
Massachusetts:		
MA–10	Massachusetts Justice Project, Inc	1,426,311
MA–11	Volunteer Lawyers Project of the Boston Bar Association	1,925,401
MA–12	South Coastal Counties Legal Services	863,034
MA–4	Merrimack Valley Legal Services, Inc	784,738
Michigan:		
MMI	Legal Services of South Central Michigan	569,155
MI–12	Legal Services of South Central Michigan	1,208,077
MI–13	Legal Aid and Defender Association, Inc	3,618,049
MI–14	Legal Services of Eastern Michigan	1,295,609
MI–15	Legal Aid of Western Michigan	1,576,553
MI–9	Legal Services of Northern Michigan, Inc	667,654
NMI–1	Michigan Indian Legal Services, Inc	155,991
Micronesia:		
MP–1	Micronesian Legal Services, Inc	1,559,585
Minnesota:		
MN–1	Legal Aid Service of Northeastern Minnesota	395,142
MN–4	Legal Services of Northwest Minnesota Corporation	354,148
MN–5	Southern Minnesota Regional Legal Services, Inc	1,150,913
MN–6	Central Minnesota Legal Services, Inc	1,238,313
MMN	Southern Minnesota Regional Legal Services, Inc	189,179

State and service area	Name of applicant organization	Estimated annualized 2013 funding amount
NMN–1	Anishinabe Legal Services, Inc	226,457
Mississippi:		
MMS	Texas RioGrande Legal Aid, Inc	53,963
MS–10	Mississippi Center for Legal Services	2,842,153
MS–9	North Mississippi Rural Legal Services, Inc	1,897,457
Missouri:		
MO–3	Legal Aid of Western Missouri	1,679,074
MO–4	Legal Services of Eastern Missouri, Inc	1,853,770
MO–5	Mid-Missouri Legal Services Corporation	369,542
MO–7	Legal Services of Southern Missouri	1,599,668
MMO	Legal Aid of Western Missouri	77,028
Montana:		
MMT	Montana Legal Services Association	51,611
MT–1	Montana Legal Services Association	1,071,000
NMT–1	Montana Legal Services Association	150,883
Nebraska:		
NNE–1	Legal Aid of Nebraska	31,323
NE–4	Legal Aid of Nebraska	1,370,502
MNE	Legal Aid of Nebraska	39,978
Nevada:		
NV–1	Nevada Legal Services, Inc	1,798,949
NNV–1	Nevada Legal Services, Inc	126,006
New Hampshire:		
NH–1	Legal Advice & Referral Center, Inc	677,432
New Jersey:		
MNJ	South Jersey Legal Services, Inc	114,093
NJ–12	Ocean-Monmouth Legal Services, Inc	629,591
NJ–15	Legal Services of Northwest Jersey	371,448
NJ–16	South Jersey Legal Services, Inc	1,264,517
NJ–17	Central Jersey Legal Services, Inc	1,032,149
NJ–18	Northeast New Jersey Legal Services Corporation	1,679,687
NJ–8	Essex-Newark Legal Services Project, Inc	1,027,908
New Mexico:		
NM–1	DNA-Peoples Legal Services, Inc	205,245
NM–5	New Mexico Legal Aid	2,589,067
NNM–2	DNA-Peoples Legal Services, Inc	21,527
NNM–4	New Mexico Legal Aid	440,290
MNM	New Mexico Legal Aid	82,581
New York:		
MNY	Legal Aid Society of Mid-New York, Inc	261,728
NY–20	Legal Services of the Hudson Valley	1,691,774
NY–21	Legal Aid Society of Northeastern New York, Inc	1,270,630
NY–22	Legal Aid Society of Mid-New York, Inc	1,665,492
NY–23	Legal Assistance of Western New York, Inc	1,632,641
NY–24	Neighborhood Legal Services, Inc	1,271,312
NY–7	Nassau/Suffolk Law Services Committee, Inc	1,315,209
NY–9	Legal Services NYC	14,437,580
North Carolina:		
MNC	Legal Aid of North Carolina, Inc	506,769
NC–5	Legal Aid of North Carolina, Inc	7,877,863
NNC–1	Legal Aid of North Carolina, Inc	206,809
North Dakota:		
NND–3	Legal Services of North Dakota	255,256
ND–3	Legal Services of North Dakota	532,867
MND	Southern Minnesota Regional Legal Services, Inc	109,598
Ohio:		
MOH	Legal Aid of Western Ohio, Inc	119,104
OH–17	Ohio State Legal Services	1,614,947
OH–18	Legal Aid Society of Greater Cincinnati	1,361,904
OH–20	Community Legal Aid Services, Inc	1,575,704
OH–21	The Legal Aid Society of Cleveland	2,004,781
OH–23	Legal Aid of Western Ohio, Inc	2,356,996
OH–5	Ohio State Legal Services	1,205,647
Oklahoma:		
OK–3	Legal Aid Services of Oklahoma, Inc	4,237,240
MOK	Legal Aid Services of Oklahoma, Inc	59,168
NOK–1	Oklahoma Indian Legal Services, Inc	775,882
Oregon:		
NOR–1	Legal Aid Services of Oregon	174,926
MOR	Legal Aid Services of Oregon	526,693
OR–6	Legal Aid Services of Oregon	2,873,281
Pennsylvania:		

State and service area	Name of applicant organization	Estimated annualized 2013 funding amount
PA–1	Philadelphia Legal Assistance Center	2,901,994
PA–11	Southwestern Pennsylvania Legal Services, Inc	523,806
PA–23	Legal Aid of Southeastern Pennsylvania	1,065,595
PA–24	North Penn Legal Services, Inc	1,699,864
PA–25	MidPenn Legal Services, Inc	2,079,587
PA–26	Northwestern Legal Services	685,889
PA–5	Laurel Legal Services, Inc	720,979
PA–8	Neighborhood Legal Services Association	1,571,558
MPA	Philadelphia Legal Assistance Center	156,713
Puerto Rico:		
MPR	Puerto Rico Legal Services, Inc	274,908
PR–1	Puerto Rico Legal Services, Inc	15,307,505
PR–2	Community Law Office, Inc	324,070
Rhode Island:		
RI–1	Rhode Island Legal Services, Inc	1,052,659
South Carolina	.	
SC–8	South Carolina Legal Services, Inc	4,604,709
MSC	South Carolina Legal Services, Inc	187,028
South Dakota:		
SD–2	East River Legal Services	383,973
SD–4	Dakota Plains Legal Services, Inc	454,781
NSD–1	Dakota Plains Legal Services, Inc	884,772
Tennessee:		
TN–10	Legal Aid Society of Middle Tennessee and the Cumberlands	2,447,029
TN–4	Memphis Area Legal Services, Inc	1,344,167
TN–7	West Tennessee Legal Services, Inc	627,098
TN–9	Legal Aid of East Tennessee	2,053,251
MTN	Texas RioGrande Legal Aid, Inc	59,973
Texas:		
MTX	Texas RioGrande Legal Aid, Inc	1,313,390
TX–13	Lone Star Legal Aid	9,068,623
TX–14	Legal Aid of NorthWest Texas	7,154,969
TX–15	Texas RioGrande Legal Aid, Inc	9,730,051
NTX–1	Texas RioGrande Legal Aid, Inc	29,657
Utah:		
NUT–1	Utah Legal Services, Inc	77,959
UT–1	Utah Legal Services, Inc	1,740,438
MUT	Utah Legal Services, Inc	64,135
Vermont:		
VT–1	Legal Services Law Line of Vermont, Inc	477,801
Virgin Islands:		
VI–1	Legal Services of the Virgin Islands, Inc	305,511
Virginia:		
MVA	Central Virginia Legal Aid Society, Inc	149,130
VA–15	Southwest Virginia Legal Aid Society, Inc	775,869
VA–16	Legal Aid Society of Eastern Virginia	1,340,345
VA–17	Virginia Legal Aid Society, Inc	807,662
VA–18	Central Virginia Legal Aid Society, Inc	952,148
VA–19	Blue Ridge Legal Services, Inc	671,799
VA–20	Legal Services of Northern Virginia, Inc	1,046,116
Washington:		
MWA	Northwest Justice Project	690,166
WA–1	Northwest Justice Project	4,665,705
NWA–1	Northwest Justice Project	269,940
West Virginia:		
WV–5	Legal Aid of West Virginia, Inc	2,761,977
Wisconsin:		
NWI–1	Wisconsin Judicare, Inc	146,993
WI–2	Wisconsin Judicare, Inc	832,974
WI–5	Legal Action of Wisconsin, Inc	3,030,152
MWI	Legal Action of Wisconsin, Inc	86,089
Wyoming:		
NWY–1	Legal Aid of Wyoming, Inc	163,748
WY–4	Legal Aid of Wyoming, Inc	479,087

* *Only one grant will be awarded for service area FL–14.*

These grants and contracts will be awarded under the authority conferred on LSC by the Legal Services Corporation Act, as amended. 42 U.S.C. 2996e(a)(1). Awards will be made so that each service area is served, although no listed organization is guaranteed an award or contract. Grants will become effective and grant funds

will be distributed on or about January 1, 2013.

This notice is issued pursuant to 42 U.S.C. 2996f(f). Comments and recommendations concerning potential grantees are invited, and should be delivered to LSC within thirty (30) days from the date of publication of this notice.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. 2012–25948 Filed 10–19–12; 8:45 am]

BILLING CODE 7050–01–P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2012–12]

Orphan Works and Mass Digitization

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is reviewing the problem of orphan works under U.S. copyright law in continuation of its previous work on the subject and in order to advise Congress as to possible next steps for the United States. The Office has long shared the concern with many in the copyright community that the uncertainty surrounding the ownership status of orphan works does not serve the objectives of the copyright system. For good faith users, orphan works are a frustration, a liability risk, and a major cause of gridlock in the digital marketplace. The issue is not contained to the United States. Indeed, in recent months, the European Commission has adopted measures that would begin to resolve the issue in certain contexts and a number of foreign governments are reviewing or proposing solutions. The Copyright Office seeks comments regarding the current state of play for orphan works. It is interested in what has changed in the legal and business environments during the past few years that might be relevant to a resolution of the problem and what additional legislative, regulatory, or voluntary solutions deserve deliberation. This is a general inquiry and the Office will likely publish additional notices on this topic.

DATES: Comments are due by 5:00 p.m. EST on January 4, 2013. Reply comments are due by 5:00 p.m. EST on February 4, 2013.

ADDRESSES: All comments shall be submitted electronically. A comment page containing a comment form is posted on the Copyright Office Web site at *http://www.copyright.gov/orphan/comment-submission.* 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 Copyright Office will post all comments publicly on the Copyright 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 Copyright Office at 202–707–8350 for special instructions.

FOR FURTHER INFORMATION CONTACT: Karyn Temple Claggett, Senior Counsel, Office of Policy and International Affairs, by email at *kacl@loc.gov;* or Catherine Rowland, Senior Counsel, Office of Policy and International Affairs, by email at *crowland@loc.gov;* or contact the Copyright Office by telephone, at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

An ''orphan work'' is an original work of authorship for which a good faith, prospective user cannot readily identify and/or locate the copyright owner(s) in a situation where permission from the copyright owner(s) is necessary as a matter of law.[1] Under current law, anyone who uses an orphan work without permission runs the risk that the copyright owner(s) may bring an infringement lawsuit for substantial damages, attorneys' fees, and/or injunctive relief unless a specific exception or limitation to copyright applies.[2] In such a situation, a productive and beneficial use of the work may be inhibited—not because the copyright owner has asserted his exclusive rights in the work, or because the user and owner cannot agree on the terms of a license—but merely because the user cannot identify and/or locate the owner and therefore cannot determine whether, or under what conditions, he or she may make use of the work. This outcome is difficult if not impossible to reconcile with the objectives of the copyright system and may unduly restrict access to millions of works that might otherwise be available to the public (*e.g.*, for use in research, education, mainstream books, or documentary films). Accordingly, finding a fair solution to the orphan works problem remains a major goal of Congress and a top priority for the Copyright Office.

A. 2006 Report on Orphan Works

The Copyright Office published its Orphan Works Report (''Report'') in January 2006, after conducting a comprehensive study at the request of Congress. The Report documented the experiences of users who are unable to find copyright owners, the kinds of works at issue, and the kinds of projects that may be forestalled. It analyzed the legal issues, including the application of statutory damages in the orphan works context, and discussed a variety of possible solutions. In preparing the Report, the Office conducted an extensive public outreach process, including a series of roundtables in New York City and Washington, DC and a public comment period that yielded over 850 written comments from a variety of stakeholders. In short, the Office concluded that the problem of orphan works is pervasive; it affects a broad cross-section of stakeholders including members of the general public, archives, publishers, and filmmakers.

The orphan works problem was exacerbated by a series of changes in U.S. copyright law over the past thirty-plus years. These changes slowly but surely relaxed the obligations of copyright owners to assert and manage their rights and removed formalities in the law that had served in part to provide users with readily accessible copyright information. Significant among those changes were the elimination of the registration and notice requirements, which resulted in less accurate and incomplete identifying information on works, and the automatic renewal of copyrighted works that were registered before the effective

[1] *See* United States Copyright Office, Report on Orphan Works (2006) (''Orphan Works Report'' or ''Report,'' at 1, *available at http://www.copyright.gov/orphan/orphan-report.pdf.*

[2] The Copyright Act, 17 U.S.C. § 101 *et seq.,* includes several exceptions and limitations that would allow use of orphan works under certain circumstances, such as § 107 (fair use), § 108(h) (use by libraries during the last twenty years of the copyright term), and § 115(b) (statutory license to distribute phonorecords). The Office concluded in its Orphan Works Report, however, that existing provisions would not address many orphan works situations. *See* Orphan Works Report at 7.

date of the 1976 Copyright Act.[3] Subsequent amendments, such as the Sonny Bono Copyright Term Extension Act of 2008, extended the duration of copyright and increased the likelihood that some copyright owners would become unlocatable. To be clear, Congress amended the law for sound reasons, primarily to protect authors from technical traps in the law and to ensure U. S. compliance with international conventions. However, ''the net result of these amendments has been that more and more copyright owners may go missing.''[4]

As reflected in the Report, all kinds of works are potentially at issue, from music to books to film clips. That said, the Report also reflects that a significant percentage of the problem, if not the lion's share, involves orphan photographs. Photographs are particularly challenging because they affect a vast variety of images, from historically important archival photographs residing in archives to contemporary photographs for which there may or may not be a living copyright owner. Photographs of all kinds also frequently lack or may become divorced from ownership information; that is, no label or caption is affixed to the photographs themselves. As a result, potential users of photographic works often lack the most basic information to begin a search. The Office received many comments focused on the difficulty of obtaining information about the author or copyright owner of individual photographs, and the numerous situations where photographs could not be used because the potential user could not discern a search path, let alone ownership.

After reviewing a number of possible legislative solutions, the Office recommended a limitation on remedies, with some caveats. In general, the Office recommended that Congress amend the Copyright Act to limit the remedies available against good faith users of orphan works after the user had performed a ''reasonably diligent search'' for the owner of that work and conditional upon the user providing attribution to the author and owner of the work wherever possible.[5] Notably, the Office did not at this early stage recommend specific statutory or regulatory guidelines for determining a reasonably diligent search, but ''favor[ed] the development of guidelines or even binding criteria'' by users and stakeholders.[6] If a user satisfied the statutory requirements, the Office recommended that Congress limit the remedies that the copyright owner could seek against the good faith user of an orphan work to injunctive relief and ''reasonable compensation'' for the use of the work.[7] The Office also recommended a ''take-down'' option for certain noncommercial users engaged in noncommercial activities.

B. 2008 Proposed Legislation

Both the 109th and the 110th Congresses considered the orphan works problem, in each case introducing legislation that built upon many of the Copyright Office's recommendations.[8] The proposed legislation would have: (1) Limited remedies available under the Copyright Act when a user is unable to locate the copyright owner or other appropriate rights holder after conducting a good faith reasonably diligent search; (2) been applicable on a case-by-case basis, meaning that users could not assume that an orphan work would retain its orphan status indefinitely; and (3) permitted the copyright owner or other rights holder later to collect reasonable compensation from the user, but not statutory damages or attorneys' fees. In other words, the proposed legislation did not create an exception or limitation of general applicability, but rather placed a limitation on the remedies that might be imposed in a particular circumstance with respect to a particular user. The legislation also provided a special provision for noncommercial actors engaged in noncommercial activities, with some conditions.

Photographs proved to be a particularly complex and difficult area to resolve. As cited in the Report and the congressional deliberations that followed, the problem of orphan photographs is well documented. At the same time, Congress wrestled with how best to protect photographers who are the victims of accidental or nefarious acts, including purposeful deletion of bylines, captions, or digital watermarks. The 2008 bills built upon the foundation of the 2006 bill and included a number of proposals designed with photographers in mind, such as: A provision in both the House and the Senate drafts that required users to promptly compensate copyright owners should they appear (including for example, where the amount of payment might be too small to make litigation to collect it worthwhile); provisions in both drafts that would have excluded infringements resulting from fixation of a pictorial, graphic, or sculptural work in or on a useful article that is offered for sale or other commercial distribution to the public (*e.g.,* the use of photographs on tote bags or similar mass merchandise); and a provision in the House draft that required a user to file search information and related evidence with the Copyright Office under fees to be set by regulation. Moreover, the 2008 bills would have delayed the effective date of legislation until such time as the Copyright Office could confirm the availability of two ''separate and independent searchable, comprehensive electronic databases, that allow for searches of copyrighted works that are pictorial, graphic, and sculptural works[.]''[9]

Search criteria also became a major focus in both the House and the Senate, and stakeholders with a variety of perspectives engaged in discussions and refinement of the bills throughout the 2008 deliberations. Ultimately, Congress settled upon an innovative mix of mandatory and voluntary requirements that served to provide meaningful guidance to users, and incentives to copyright owners to make themselves locatable (including through investment in registries and search tools that might connect users to them). For example, the bills set forth certain baseline requirements (such as searching the online records of the Copyright Office), but also would have required users to consult the best practices applicable to the work at issue (*e.g.,* practices for finding photographers or filmmakers), which would be developed through the participation of both copyright owners and copyright users and coordinated by the Register of Copyrights.

Congress came very close to adopting a consensus bill shortly before the presidential election in 2008, but did not enact orphan works legislation before adjourning.

[3] These changes, as well as other changes in the 1976 Act and in the Berne Convention Implementation Act of 1988, were important steps toward harmonizing U.S. copyright law with international treaties.

[4] Letter of Marybeth Peters, Register of Copyrights, U.S. Copyright Office (Sept. 25, 2008), *available at http://www.copyright.gov/orphan/.*

[5] *See* Orphan Works Report at 93–120.

[6] *Id.* at 108–10.

[7] *Id.* at 115–21.

[8] Proposed bills included: The Shawn Bentley Orphan Works Act of 2008, S. 2913, 110th Cong. (2008), which was passed by the Senate; the Orphan Works Act of 2008, H.R. 5889, 110th Cong. (2008); and the Orphan Works Act of 2006, H.R. 5439, 109th Cong. (2006).

[9] *See* H.R. 5889, at Section 4(b)(1) (delaying effective date of legislation for pictorial, graphic, and sculptural works until January 2013 or the Copyright Office could confirm the availability of searchable databases); *see also* S. 2913, at Section 2 (delaying effective date of entire legislation until January 2013 or the Copyright Office could confirm the availability of searchable databases for certain pictorial, graphic, and sculptural works).

C. Ongoing Litigation

Recent high-profile litigation in the United States raised additional questions and concerns regarding orphan works, particularly in the context of mass digitization. The possibility of mass digitization was not squarely addressed by parties responding to the Copyright Office in 2005–2006, is not a focus of the Orphan Works Report, and was not addressed by Congress in its proposed legislation. The Report does reflect some limited discussion of the increased risk of institutions that might want to use more than one orphan work in a single project, such as an archive posting multiple historic images to its Web site. This discussion informed and led to the special provisions for noncommercial actors addressed above, but it did not address situations where works might be digitized systematically, including for preservation purposes, or situations where collections of works might be reproduced en masse, including through public-private partnerships. Ultimately, the issues at the heart of mass digitization are policy issues of a different nature: the works may in fact have copyright owners, but it may be too labor-intensive and too expensive to search for them, or it may be factually impossible to draw definitive conclusions about who the copyright owners are or what rights they actually own.

(1) Google Books Search Litigation

In 2004, Google began an ambitious project to scan and digitize millions of books held in several major academic libraries, including many books still protected by copyright. As part of its ''Google Books'' project, Google provided digital copies of the scanned books to partner libraries and made text of the books available for online searching. Users were permitted to view ''snippets'' of scanned books that were still protected by copyright and to download full copies of books that were in the public domain. Google did not, however, obtain permission from the relevant copyright owners for the project. In 2005, a group of authors and publishers filed a class action lawsuit in federal district court asserting that the Google Books project amounted to willful copyright infringement.[10]

The parties filed a proposed settlement with the district court on October 28, 2008. After significant objections from various individual authors, groups, and foreign governments, the parties filed an amended settlement agreement on November 13, 2009. Under the terms of the amended settlement, copyright owners of out-of-print books were required to ''opt out'' of the settlement or their works could be scanned, digitized, and exploited by Google through a number of new business arrangements. These business arrangements included online access, use of the books in subscription databases, and use of advertisements in connection with these services. The settlement also proposed to establish a ''Book Rights Registry'' (the ''Registry'') that would maintain a database of rights holders and administer distribution of revenues from exploitation of the scanned books. Google would provide payments to the Registry on behalf of rights holders and, in turn, the Registry would distribute the funds to registered rights holders. If no rights holder came forward to claim the funds after a certain amount of time, the funds could be used to cover the expense of searching for copyright owners or donated to literary-based charities.[11]

The Department of Justice (''DOJ'') filed two statements of interest in the case on behalf of the United States. DOJ acknowledged that ''[b]reathing life into millions of works that are now effectively dormant'' and increasing public access to those works is a ''worthy objective[ ].'' [12] At the same time, DOJ expressed concern that the settlement could conflict with core principles of the Copyright Act and also confer a ''significant and possibly anticompetitive advantage'' on Google.[13]

On March 22, 2011, Judge Chin of the United States District Court for the Southern District of New York rejected the amended settlement agreement filed in the case.[14] The opinion acknowledged that ''the benefits of Google's book project are many.'' [15] The court, however, also expressed concern about the potential reach of the parties' proposal. Ultimately, the court concluded that the proposed settlement would inappropriately implement a forward-looking business arrangement granting Google significant rights to exploit entire books without permission from copyright owners, while at the same time releasing claims well beyond those presented in the dispute.[16] The court noted that the settlement would give Google—and Google alone—the ability to control the digital commercialization of millions of books as it would require authors and other rights holders of out-of-print books to ''opt out'' of the settlement by objecting to the reproduction, distribution, and display of their works.

The court rejected the settlement in part because of the settlement's treatment of orphan works. The court expressly deferred to Congress on orphan works-related issues, stating that the ''questions of who should be entrusted with guardianship over orphan books, under what terms, and with what safeguards, are matters more appropriately decided by Congress than through an agreement among private, self-interested parties.'' [17] Citing Supreme Court precedent, the court also affirmed that it is ''Congress's responsibility to adapt the copyright laws in response to changes in technology.'' [18] Finally, the court asserted that the settlement agreement would raise international concerns and thus for that reason as well, ''the matter is better left for Congress.'' [19]

The Second Circuit recently stayed the case pending Google's appeal of class certification. On October 4, 2012, the five major publisher plaintiffs settled with Google. According to public statements about the settlement, the publisher plaintiffs will be permitted to choose whether or not to include digitized books in the Google Books project.[20] Further details of the settlement have not been made public. Notably, the settlement does not appear to require formal court approval because it only resolves the claims of the specific publisher plaintiffs. The settlement does not affect claims made by the Authors Guild or non-parties to the lawsuit. Therefore, the settlement would not address claims over orphan works.

(2) HathiTrust Litigation

On September 12, 2011, the Authors Guild, along with two foreign authors' groups and a number of individual

[10] For a discussion of the background of the case, *see Authors Guild, Inc. v. Google Inc.,* 770 F. Supp. 2d 666 (S.D.N.Y. 2011). A group of photographers and illustrators filed a related suit in 2010. *See Am. Soc'y of Media Photographers, Inc.* v. *Google Inc.,* No. 10–2977 (S.D.N.Y. 2010).

[11] *See Authors Guild, Inc.,* 770 F. Supp. 2d at 670–71.

[12] Statement of Interest of the United States of America Regarding Proposed Amended Settlement Agreement, *Authors Guild, Inc.* v. *Google, Inc.,* No. 05–8136 (S.D.N.Y Feb. 4, 2010) at 1, *available at http://www.justice.gov/atr/cases/f255000/255012.pdf.*

[13] *Id.* at 2.

[14] *See Authors Guild, Inc.,* 770 F. Supp. 2d 666.

[15] *Id.* at 670.

[16] *Id* at 677.

[17] *Id.*

[18] *Id.*

[19] *Id.* at 678.

[20] *See* Statement of the Ass'n of Am. Publishers, *Publishers and Google Reach Settlement* (Oct. 4, 2012), *available at http://www.publishers.org/press/85/.*

authors, sued an online digital repository known as the HathiTrust Digital Library (''HathiTrust'') and its five major university partners.[21] The suit challenged HathiTrust's digitization efforts and its plan to digitize and make available orphan works to faculty, students, and library patrons (the ''Orphan Works Project''). In addition to its overarching claim of copyright infringement, the complaint alleged, *inter alia,* that the Authors Guild was easily able to locate several of the authors whose works were deemed orphaned and digitized by the HathiTrust. Thus, the Authors Guild argued that the Orphan Works Project was not actually limited to orphan works. The Authors Guild sought an injunction preventing defendants from ''making available any so-called orphan work protected by copyright'' and impoundment of ''all unauthorized digital copies of works protected by copyright.'' [22] Shortly thereafter, HathiTrust suspended the Orphan Works Project indefinitely.

On July 27, 2012, the parties in *Authors Guild, Inc.* v. *HathiTrust* submitted their final round of briefs connected to their motions for summary judgment.[23] The Authors Guild's motion asked the court to reject the defendants' copyright defenses, including fair use. The Authors Guild also urged the court to issue an injunction against the HathiTrust's suspended Orphan Works Project. The Authors Guild acknowledged in its reply brief that the ''issues raised by orphan works * * * are important,'' but argued that ''[b]y scanning the books without authority, Defendants usurp authors' rights to control the digital reproduction of their work and expose them to security risks that previously did not exist.'' [24]

The HathiTrust and its partner libraries argued in their reply brief that all four factors of a fair use analysis favor the libraries' activities, even in an environment of rapid technological advancement.[25] ''Plaintiffs continue to ask this Court to wait for Congress to legislate,'' the defendants stated, but ''[w]here, as here, Congress has not spoken, courts should 'take the Copyright Act * * * as [they] find it,' rather than close off publicly beneficial uses made possible by a new technology.'' [26]

On October 10, 2012, the district court ruled in favor of the HathiTrust and its partner libraries on issues relating to digitization, preservation, searching,[27] and access for the print-disabled.[28] The court found that these activities are largely transformative and ultimately protected by fair use, further opining that ''the underlying rationale of copyright law is enhanced'' by the HathiTrust digital library.[29] The court did not reach the merits of the copyright claims with respect to the Orphan Works Project, however, finding instead that the issue is not ripe for adjudication because the contours of the Orphan Works Project have changed and the defendants have suspended the project.[30]

D. The Role of the Copyright Office and Private Registries

In October 2011, the Register of Copyrights released a two-year plan of priorities and special projects for the U.S. Copyright Office. The special projects include several technical endeavors designed to update the Office's record systems, which may help users to locate a copyright owner or confirm the suspicion that no such owner exists.

(1) Historic Copyright Records

One such project is the Office's multiyear effort to digitize the entire inventory of historic copyright records dating back to 1870, many of which are still relevant in determining the copyright status of many works. Since 2008, the Office has digitized more than 22 million of the Office's approximately 60 million historical records. The Office is also engaged in a variety of investigative endeavors, including crowd sourcing, to determine how best to make the records searchable. This task is no small feat because the records are unique and cannot be destroyed or put at risk during the digitization process. Some historical records date back nearly to the civil war. They range from index cards to large documents, and some are written in pencil. Through this project, the Office has engaged with a number of experts and the public (through meetings, blogs, and crowd sourcing) to evaluate cost-effective approaches to metadata capture, public display, and how best to make the scanned materials publicly available in a meaningful way as soon as possible.

(2) Upgrades to Copyright Registration and Recordation Systems

Alongside the digitization of the Office's historic records, the Office is also actively pursuing a comprehensive analysis of its electronic registration and recordation systems, not only to enhance the experience for authors and copyright owners, who rely on these services to secure legal rights, but also to develop a plan for improving the nature, accuracy, and searchability of the Office's public databases. The Office is meeting with a diverse range of business and information technology experts to explore appropriate technical upgrades and enhancements, including exploring the feasibility of connecting the Office's database of copyright ownership records with private sector data to facilitate licensing and other productive uses of copyrighted works.

Together, these projects lay the foundation necessary to build and maintain a twenty-first century database of copyright ownership information that will enhance public access to information and improve potential users' ability to investigate the copyright status of works, including the identification and location of copyright owners.

E. Discussion of Legal Issues in Mass Digitization

Outside of litigation, the issue of mass digitization has been aired largely through the symposia of academic institutions or professional associations (*i.e.,* bar associations).[31] To further the conversations, the Copyright Office published a Preliminary Analysis and Discussion Document (the ''Analysis'') [32] in October 2011, in which it laid out the issues raised by the intersection between copyright law and the mass digitization of books, including

[21] *Authors Guild, Inc.* v. *HathiTrust,* No. 11–6351 (S.D.N.Y. filed Sept. 12, 2011).

[22] First Am. Compl. at page 28, *Authors Guild, Inc.* v. *HathiTrust,* No. 11–6351 (S.D.N.Y 2011).

[23] A third motion, in support of the HathiTrust, was filed by the National Federation of the Blind. *See* Def. Intervenors' Reply in Supp. of Mot. for Summ. J., *Authors Guild, Inc.* v. *HathiTrust,* No. 11–6351 (S.D.N.Y. filed July 27, 2012).

[24] *See* Reply Mem. of Law in Further Supp. of Pls.' Mot. for Summ. J. at 1, 2, *Authors Guild, Inc.* v. *HathiTrust,* No. 11–6351 (July 27, 2012).

[25] *See* Reply Mem. in Supp. of the Libraries' Mot. for Summ. J. on Fair Use and Lack of Infringement Under Section 106 of the Copyright Act, *Authors Guild, Inc.* v. *HathiTrust,* No. 11–6351 (S.D.N.Y. July 27, 2012).

[26] *Id.* at 1 (citations omitted).

[27] The court took care to note that the searching function did not reveal any copyrighted material. *See Authors Guild, Inc.* v. *HathiTrust,* No. 11–CV–6351, 2012 WL 4808939 (S.D.N.Y. Oct. 10, 2012).

[28] *See id.*

[29] *Id.* at *14.

[30] *Id.* at *7–8.

[31] For example, the Berkeley Center for Law and Technology hosted a symposium entitled Orphan Works and Mass Digitization in April 2012. Additionally, the Kernochan Center for Law, Media and the Arts at Columbia Law School, in cooperation with the Copyright Office, will present a public symposium on November 2, 2012, which will include discussions of mass digitization in the context of Section 108.

[32] United States Copyright Office, Legal Issues in Mass Digitization: A Preliminary Analysis and Discussion Document (2011), *available at http://www.copyright.gov/docs/massdigitization/USCOMassDigitization_October2011.pdf.*

some of the issues raised by the Google Books and HathiTrust cases. The Office identified a number of key legal and policy questions to explore when assessing mass digitization, including the objectives and public policy goals of mass digitization projects, the interplay among library exceptions, fair use, and licensing, and the ability of public and private actors to work together.

In the Analysis, the Office observed that under current law the issues of mass digitization and orphan works cannot reasonably be separated from the issue of licensing because the premise of an orphan works situation is that a good faith user has tried to, or would like to, locate the copyright owner but cannot. The Office described existing licensing options (direct licensing and voluntary collective licensing), as well as two licensing models (extended collective licensing and statutory licensing) that might operate as potential if not partial solutions for the orphan works problem, particularly in the mass digitization context.[33]

The Office noted that while the United States has not adopted extended collective licensing, these regimes exist in a number of Nordic countries.[34] Typically, this model operates something like a class action settlement, in the sense that representatives of copyright owners and representatives of users negotiate terms that are binding on all members of the group by operation of law (*e.g.,* all textbook publishers), unless a particular copyright owner opts out. The government or a trusted designee administers payments. It is not quite compulsory licensing in that the parties (rather than the government) negotiate the rates, but it requires a legislative framework and often involves some degree of government oversight. Finally, the Office discussed the potential use of statutory licenses created by Congress. Statutory licenses provide users with access to certain types of works, under certain circumstances, in exchange for a statutorily or administratively set fee. The Office has traditionally viewed statutory licenses as a mechanism of last resort that must be narrowly tailored to address a specific failure in a specifically defined market.

F. International Developments

Foreign countries are also renewing their focus on the orphan works problem. The European Union and various other countries have recently proposed or adopted a number of legislative approaches to the orphan works issue.

(1) Recent and Proposed Legislation

Like the United States, the European Union has been grappling with the issue of orphan works for many years. In 2011, the European Commission issued a draft proposal for an orphan works directive along with a working paper entitled ''Impact Assessment on the Cross Border Online Access to Orphan Works.'' [35] The Commission acknowledged the difficulties caused by orphan works and noted that a solution in the European Union was particularly urgent to avoid a ''knowledge gap'' with the United States if the then-pending Google Books Settlement was approved. The Commission identified several policy options for handling orphan works and assessed the economic and social impacts of each. Among the policy options the Commission considered was a statutory exception, extended collective licensing, and a specific orphan works license.

The European Council formally approved the proposed orphan works directive (''Directive'') on October 4, 2012.[36] The Directive requires Member States to establish an exception and limitation to the rights of reproduction and ''making available'' for certain permitted uses of orphan works. The Directive excludes photographs unless embedded in other works, and limits the use of orphan works to ''libraries, educational establishments or museums * * * archives, film or audio heritage institutions and public service broadcasting organizations'' that are located in Member States and that have public service missions.[37] A public organization that falls under the Directive may partner with a private organization and ''generate revenues in relation to their use of orphan works'' if that use is consistent with the public organization's mission.[38] The private partner, however, will not be permitted to use the works directly. The Directive requires a diligent search and provides that once a work is deemed orphaned in one Member State, it is deemed orphan in all Member States and ''may be used and accessed'' in all Member States. The Directive also calls for a single registry to maintain data on all works deemed orphan. A rights holder who later resurfaces may reclaim ownership of a work once deemed orphan and claim fair compensation for the use of the work as provided by individual Member States' laws. Member States have two years to implement the Directive in national legislation.

The European Commission also recently assisted private parties in negotiating a Memorandum of Understanding (''Memorandum'') to encourage voluntary collective licensing for ''out-of-commerce'' books and journals.[39] ''Out-of-commerce'' works are works that are no longer commercially available because authors and publishers have chosen not to publish new editions or sell copies through the customary channels of commerce. The Memorandum expresses several principles that libraries, publishers, authors, and their collecting societies should follow in order to license the digitization and making available of books or journals that are out-of-commerce. The European Commission views the Memorandum as complimentary to its legislative proposals for orphan works, and part of a two-pronged approach to facilitate the development of digital libraries in Europe.

Additionally, the United Kingdom issued proposed legislation [40] in 2012 that would amend the Copyright, Designs and Patents Act of 1988 to permit the commercial and non-commercial use of orphan works under a licensing scheme that would include both individual licensing of orphan works as well as a form of voluntary

[33] In the context of voluntary collective licensing of books, the most experienced organization is the Copyright Clearance Center (''CCC''). The CCC was started by publishers in the age of photocopying and has since evolved to handle certain kinds of digital licenses. Voluntary collective licensing, however, does not provide solutions for orphan works where the authors are unknown and have not joined the collecting society.

[34] *See* Analysis at App. F (listing countries that follow this approach and providing an overview of the laws).

[35] European Commission, Commission Staff Working Paper Impact Assessment on the Cross-Border Online Access to Orphan Works Accompanying the Proposal for a Directive of the European Parliament and of the Council on Certain Permitted Uses of Orphan Works, COM (2011) 289 final (May 24, 2011), *available at http://ec.europa.eu/governance/impact/ia_carried_out/docs/ia_2011/sec_2011_0615_en.pdf.*

[36] The European Council's approval marked the last step in the legislative process. *See* Press Release, Council of the European Union, Intellectual Property: New EU Rules for Orphan Works (Oct. 4, 2012), *available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/132721.pdf.*

[37] *See Directive of the European Parliament and of the Council on Certain Permitted Uses of Orphan Works,* Art. 1(1), *available at http://register.consilium.europa.eu/pdf/en/12/pe00/pe00036.en12.pdf.*

[38] *Id.* at p. 13, ¶ 21.

[39] Memorandum of Understanding, *Key Principles of the Digitsation and Making Available of Out-of-Commerce Works* (Sept. 20, 2011), *available at http://ec.europa.eu/internal_market/copyright/docs/copyright-infso/20110920-mou_en.pdf.*

[40] Enterprise and Regulatory Reform Bill, 2012–13, (HC Bill 61), cl. 59, *available at http://www.publications.parliament.uk/pa/bills/cbill/2012-;2013/0061/cbill_2012-20130061_en_1.htm.*

extended collective licensing. The scheme would require a diligent search, the results of which would be verified by ''an independent authorising body.'' [41] The proposal would also establish an orphan works registry and, if the name of the rights holder is unknown (and therefore cannot be credited), any licensed use of the work would have to include a notice that refers back to the registry.[42] The potential scheme is described as one in which rights holders will always reserve the right to opt out.[43]

(2) Existing Laws

Several countries already have adopted forms of orphan works solutions in national law. The Canadian Copyright Act (Section 77) permits users to file applications with the Copyright Board of Canada for the use of certain types of orphan works on a case-by-case basis. If an applicant demonstrates that it made a reasonable effort to locate the rights holder and the rights holder cannot be located, the Board will approve the request and issue a conditional non-exclusive license.[44] Pursuant to the Canada Copyright Act, the Copyright Board may issue licenses permitting uses including reproduction, publication, performance, and distribution. In June 2012, Canada passed amendments to its Copyright Bill that included an expansion of the exception for nonprofit organizations acting for the benefit of persons with perceptual disabilities to cover cross-border exchanges of orphan works that have been translated into a print disabled format.[45] The 2006 Orphan Works Report identified some of the Canadian system's burdens, and several studies have noted that it is rarely used.[46]

France passed a law in February 2012 that would make it easier to digitize twentieth century out-of-commerce books, implicating books published in France before January 1, 2001, which are not currently being commercially distributed or published either in print or digital formats.[47] The scheme is conducted on an opt-out basis and, if an author chooses not to exploit the work within six months of the inscription of the book in the register managed by the French National Library, the digital rights are transferred to a designated collective management organization.[48] If the copyright holder fails to claim rights to works that have been transferred to a designated collective management organization after ten years, libraries and archives will be allowed, with some exceptions, to digitize and provide access to the digitized works free of charge so long as the institution does not pursue a commercial or economic advantage.[49]

Hungary amended its Copyright Act in 2009 to permit the use of orphan works under certain circumstances. Under the amended Act, the Hungarian Patent Office has the right to grant licenses for certain uses of orphan works to applicants who carry out a documented diligent search and pay compensation for such use.[50] These licenses are limited to the territory of Hungary. Japan, Korea, and India have adopted either compulsory or government licensing for some orphan works.[51]

Denmark and Finland both adopted extended collective licensing regimes, which allow collective licensing organizations to license numerous works within a specific field of use, including works owned by rights holders who are not members of the organization and orphan works.[52]

II. Subject of Inquiry

The Copyright Office seeks comments regarding the current state of play for orphan works, including what has changed in the legal and business environments that might be relevant to a resolution of the problem and what additional legislative, regulatory, or voluntary solutions deserve deliberation at this time. The Office has posed two questions below. In responding to these questions, a party may wish to discuss a number of relevant topics, including for example: The merits of limiting remedies; the interplay between orphan works and fair use, section 108, section 121, or other exceptions and limitations; the role of licensing; the types of orphan works that should be implicated; the types of users who should benefit; the practical or legal hurdles to forming or utilizing registries; international implications; and the relative importance of the Register's plans to improve the quality and searchability of Copyright Office records. The Office requests that responding parties separately address each of the questions for which a response is submitted and provide as much specificity as possible.

1. Orphan Works on an Occasional or Case-by-Case Basis

With respect to the occasional or isolated use of an orphan work, how has the legal landscape or legal thinking evolved in the past four years? The 2008 proposed legislation included several key components: (a) A good faith, reasonably diligent search for the copyright owner; (b) attribution to the author and copyright owner, if possible and appropriate under the circumstances; and (c) a limitation on remedies that would be available if the user proves that he or she conducted a reasonably diligent search. Good faith users were expected to consult the Copyright Office Web site for practices proffered by copyright owners and users alike under the direction and coordination of the Register of Copyrights. The legislation included special provisions for certain noncommercial actors using orphan works in a noncommercial manner, as a further attempt to reduce liability for those perceived to be most risk-averse under current law. Moreover, the

[41] *See Government Policy Statement: Consultation on Modernising Copyright,* at 7 (July 2012), *available at http://www.ipo.gov.uk/response-2011-copyright.pdf.*

[42] *Id.* at 8.

[43] *See id.* at 10; *see also* The BIS Blog, *Copyright Reform: Orphan Works and Extended Collective Licensing,* Aug. 14, 2012, *available at http://blogs.bis.gov.uk/blog/2012/08/14/copyright-reform-orphan-works-and-extended-collective-licensing* (''The Government's proposals for ECL are not compulsory nor can they be imposed on a sector. It would be up to a collecting society to apply to use the system and every rights holder would retain the capacity to opt out.'').

[44] Copyright Act, R.S.C., c. C–42, s. 77 (1985) (Can.), *available at http://laws.justice.gc.ca/PDF/C-42.pdf.*

[45] *Id.* at s. 32.

[46] Orphan Works Report at 82–83.

[47] *See Loi n° 2012–287 du 1er mars 2012 relative à l'exploitation numérique des livres indisponibles du xxe siècle* [Law Number 2012–287 of March 1, 2012, on the Digital Exploitation of Unavailable Books] Art. 134–1 (2012) (Fr.) (''Law 2012–287''), *available at http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=4D8B77A47AA211DE6E336FD22AA18F60.tpdjo09v_2?cidTexte=JORFTEXT000025422700&dateTexte=20121016; see also* International Federation of Reproduction Rights Organisations, French Parliament Passed Law on Out of Commerce Works on 22nd February 2012, (March 3, 2012), *available at http://www.ifrro.org/content/french-parliament-passed-law-out-commerce-works-22nd-february-2012.*

[48] *See* Law Number 2012–287, Art. 134–4.

[49] *See id.,* Art. 134–8.

[50] *See* Government Regulation on the Detailed Rules Related to the Licensing of Certain Use of Orphan Works, Arts. 2(1), 2(2), 3, Decree 100/2009, V. 8 (Hun.), *available at http://www.hipo.gov.hu/English/jogforras/100_2009.pdf; see also* Mihály Ficsor, *How to Deal with Orphan Works in the Digital World? An Introduction to the New Hungarian Legislation on Orphan Works* (European Parliament Committee on Legal Affairs, eds. 2009), *available at http://www.europarl.europa.eu/RegData/etudes/divers/juri/2009/419607/IPOL-JURI_DV(2009)419607_EN.pdf.*

[51] *See* Chosakuken-Ho [Copyright Law], Law No. 48 of 1970, 2009, art. 67, 74 (Japan), *unofficial translation available at http://www.cric.or.jp/cric_e/clj/clj.html); see also* Copyright Act of Korea, No. 9785 (2009) (S. Kor.); Copyright (Amendment) Act, 2012, at para. 17 (2012) (India), *available at http://copyright.gov.in/Documents/CRACT_AMNDMNT_2012.pdf.*

[52] *See* Consolidated Act on Copyright 2010, No. 202, Art. 50–51 (2010) (Den.); *see also* Copyright Act, No. 404, §§ 13–14 (2010) (Fin.).

legislation would have applied to all kinds of copyrighted works, published or unpublished, from photographs to manuscripts to music and books. Please comment on the continued viability of the above framework in the case of occasional uses of orphan works. If there are other possible approaches, including approaches that might best be described as interim approaches, please explain the benefits and supporting legal authority in sufficient detail.

2. Orphan Works in the Context of Mass Digitization

The Office's Orphan Works Report did not analyze the issue of mass digitization in detail, and the subsequent 2008 proposed legislation did not squarely address the possibility of systematic or en masse copying, display, or distribution. Please comment on potential orphan works solutions in the context of mass digitization. How should mass digitization be defined, what are the goals and what, therefore, is an appropriate legal framework that is fair to authors and copyright owners as well as good faith users? What other possible solutions for mass digitization projects should be considered?

If there are any pertinent issues not discussed above, the Office encourages interested parties to raise those matters in their comments. In addition, the Office is considering and hereby provides notice that it may convene one or more roundtables or formal hearings on the matters raised above in 2013. The Office may also publish one or more additional Notices of Inquiry.

Dated: October 17, 2012.

Maria A. Pallante,

Register of Copyrights.

[FR Doc. 2012–25932 Filed 10–19–12; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 12–083]

NASA Advisory Council; Technology and Innovation Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration (NASA) announces a meeting of the Technology and Innovation Committee of the NASA Advisory Council (NAC). The meeting will be held for the purpose of reviewing status of the Space Technology programs; status of activities within the Office of the Chief Technologist; update on the Advance Exploration Systems program; status of the Hypersonic Inflatable Aerodynamic Decelerator project; status of the Space Technology Research Grants program; and a Mars Science Laboratory update.

DATES: Thursday, November 15, 2012, 8:00 a.m. to 4:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, 300 E Street SW., Room 2E39, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Green, Office of the Chief Technologist, NASA Headquarters, Washington, DC 20546, (202) 358–4710, fax (202) 358–4078, or *g.m.green@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and by WebEx. Any interested person may call the USA toll free conference call number 866–804–6184, pass code 3472886, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* the meeting number is 996 249 510, and the password is TICmte@1115.

The agenda for the meeting includes the following topics:

—Office of the Chief Technologist Update
—Status of NASA's Space Technology program
—Briefing and overview of NASA's Advanced Exploration Systems program
—Update on Mars Science Laboratory and role of technology in mission
—Update on Space Technology Research Grants program
—Status of the Hypersonic Inflatable Aerodynamic Decelerator project

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. U.S. Citizens will need to show a valid, officially-issued picture identification such as a driver's license to enter the NASA Headquarters building (West Lobby—Visitor Control Center) and must state that they are attending the NAC Technology and Innovation Committee meeting in room 2E39 before receiving an access badge. Permanent Residents will need to show residency status (valid green card) and a valid, officially issued picture identification such as a driver's license and must state that they are attending the NAC Technology and Innovation Committee meeting in Room 2E39 before receiving an access badge. U.S. Citizens and Permanent Residents are requested to submit their names and affiliation 5 working days prior to the meeting to Ms. Anyah Dembling via email at *anyah.b.dembling@nasa.gov* or by telephone at (202) 358–5195. Foreign Nationals must provide to NASA the following information: Full name; gender; date/place of birth; citizenship; social security number; green card information (resident alien number, expiration date); visa information (number, type, expiration date); passport information (number, country of issue, expiration date); employer/affiliation information (name of institution, title/position, address, country of employer, telephone, email address); and the title/position of attendee no less than 8 working days prior to the meeting by contacting Ms. Anyah Dembling via email at *anyah.b.dembling@nasa.gov* or by telephone at (202) 358–5195.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2012–25926 Filed 10–19–12; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

President's Committee on the Arts and the Humanities: Meeting #68

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 a meeting of the President's Committee on the Arts and the Humanities (PCAH) will be held in the Crystal Room, The Willard Intercontinental, 1401 Pennsylvania Avenue NW, Washington, DC 20004. Ending time is approximate.

DATES: November 18, 2012 from 4:00 p.m. to 6:00 p.m.

FOR FURTHER INFORMATION CONTACT: Lindsey Clark of the President's Committee at (202) 682–5409 or *lclark@pcah.gov.*

SUPPLEMENTARY INFORMATION: The meeting, on Sunday, November 18th, will begin with welcome, introductions, and announcements. Updates and discussion on recent programs and activities will follow. The meeting also will include a review of PCAH ongoing

programming for youth arts and humanities learning, special events, and international cultural projects. The meeting will adjourn after discussion of other business, as necessary, and closing remarks.

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982, which currently states that the ''Committee shall advise, provide recommendations to, and assist the President, the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services on matters relating to the arts and the humanities.''

Any interested persons may attend as observers, on a space available basis, but seating is limited. Therefore, for this meeting, individuals wishing to attend are advised to contact Lindsey Clark of the President's Committee seven (7) days in advance of the meeting at (202) 682–5409 or write to the Committee at 1100 Pennsylvania Avenue, NW., Suite 526, Washington, DC 20506. Further information with reference to this meeting can also be obtained from Ms. Clark at *lclark@pcah.gov.*

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW. Suite 724, Washington, DC 20506, (202) 682–5532, TDY–TDD (202) 682–5496, at least seven (7) days prior to the meeting.

Dates: October 17, 2012.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 2012–25904 Filed 10–19–12; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0248]

Draft Emergency Preparedness Frequently Asked Questions

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability and opportunity for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is making available for comment Emergency Preparedness (EP) frequently asked questions (EPFAQs) No. 2012–002, No. 2012–004, No. 2012–005, and No. 2012–006. These EPFAQs will be used to provide clarification of guidance documents related to the development and maintenance of EP program elements. The NRC is publishing these preliminary results to inform the public and solicit comments.

DATES: Submit comments by November 21, 2012. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: You may access information and comment submissions related to this document by searching on *http://www.regulations.gov* under Docket ID NRC–2012–0248.

You may submit comments by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0248. 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.

FOR FURTHER INFORMATION CONTACT: Roxanne Wray, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5485 or by email at: *Roxanne.Wray@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0248 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by the following methods:

- *Federal Rulemaking Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0248.
- *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 draft EPFAQs are available electronically under ADAMS Accession No. ML12278A282, and are available on the NRC's Web site at *http://www.nrc.gov/about-nrc/emerg-preparedness/faq/faq-contactus.html.*
- *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–2012–0248 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.

II. Background

The NRC is requesting comment on this draft EPFAQ. This process is intended to describe the manner in which the NRC may provide interested outside parties an opportunity to share their individual views with NRC staff regarding the appropriate response to questions raised on the interpretation or applicability of EP guidance issued or endorsed by the NRC, before the NRC issues an official response to such questions.

Dated at Rockville, Maryland on October 15, 2012.

For the Nuclear Regulatory Commission.

Mark Thaggard,

Deputy Director for Emergency Preparedness, Division of Preparedness and Response, Office of Nuclear Security and Incident Response.

[FR Doc. 2012–25929 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on October 31, 2012, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, October 31, 2012—8:30 a.m. until 12:00 p.m.

The Subcommittee will review and discuss the staff's efforts to develop a revision to the Station Blackout Rule. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christina Antonescu (Telephone 301–415–6792 or Email: *Christina.Antonescu@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 10, 2012.

Antonio Dias,

Technical Advisor, Advisory Committee on Reactor Safeguards.

[FR Doc. 2012–25923 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on November 1–3, 2012, 11545 Rockville Pike, Rockville, Maryland.

Thursday, November 1, 2012, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Consideration of Economic Consequences/Land Contamination within the NRC Regulatory Framework (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff's approach when considering economic consequences and/or land contamination due to the release of radioactive material at a licensee site.

10:15 a.m.–11:45 p.m.: Role of Filtered Venting Systems When Installed in BWR Mark I and Mark II Containments (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding a proposed Commission Paper regarding the value of filtered venting systems when installed in BWR Mark I and Mark II containments.

12:45 p.m.–2:15 p.m.: Long-Term Core Cooling Approach for the Advanced Boiling Water Reactor (ABWR) Design for South Texas Project Units 3 and 4 (STP 3 and 4) (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Nuclear Innovation North America LLC regarding the specific design features that warrant the long-term cooling capabilities for the STP 3 and 4 ABWR design. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

2:30 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note**: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

Friday, November 2, 2012, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the FullCommittee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational andpersonnel matters that relate solely to internal personnel rules and practices of ACRS,and information the release of which would constitute a clearly unwarranted invasion ofpersonal privacy.]

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–11:30 a.m.: Preparation for Meeting With the Commission on December 6, 2012 (Open)—The Committee will discuss topics for the upcoming meeting with the Commission on December 6, 2012.

11:30 p.m.–7:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be

closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

Saturday, November 3, 2012 Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2011, (76 FR 64126–64127). In accordance with those procedures, oral or written views may be presented by members of the public, includingrepresentatives of the nuclear industry. Persons desiring to make oral statements should notifyAntonio Dias, Cognizant ACRS Staff (Telephone: 301–415–6805, Email: *Antonio.Dias@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Inview of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman asnecessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: October 16, 2012.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2012–25934 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0247]

Implementation of Regulatory Guide 1.221 on Design-Basis Hurricane and Hurricane Missiles

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed interim staff guidance; solicitation of public comment.

SUMMARY: The U.S Nuclear Regulatory Commission (NRC or the Commission) staff is soliciting public comment on its proposed Interim Staff Guidance (ISG) DC/COL–ISG–024, ''Implementation of Regulatory Guide 1.221 on Design-Basis Hurricane and Hurricane Missiles.'' The purpose of this ISG is to supplement the guidance regarding the application of Regulatory Guide 1.221, ''Design-Basis Hurricane and Hurricane Missiles for Nuclear Power Plants.''

DATES: Submit comments by November 21, 2012. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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–2012–0247. 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–2012–0247. 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.

FOR FURTHER INFORMATION CONTACT: Mr. Brad Harvey, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone at 301–415–4118 or email at *Brad.Harvey@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0247 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 any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0247.
- *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. The proposed ISG DC/COL–ISG–024 is under ADAMS Accession No. ML12132A512.
- *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–2012–0247 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 that

you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely 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 that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

The NRC staff issues DC/COL–ISGs to facilitate timely implementation of current staff guidance and to facilitate activities associated with review of applications for early site permits, design certifications, and combined licenses by the Office of New Reactors. The NRC staff intends to incorporate the final approved DC/COL–ISG–024 into the next revision of the Standard Review Plan and related guidance documents.

Dated at Rockville, Maryland, this 10th day of October 2012.

For the Nuclear Regulatory Commission.

Amy E. Cubbage,

Chief, Policy Branch, Division of Advanced Reactor and Rulemaking, Office of New Reactors.

[FR Doc. 2012–25927 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0249]

Solicitation of Feedback and Lessons-Learned from the Pilot of the Revised Construction Reactor Oversight Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public participation in survey.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC or the Commission) is soliciting feedback and lessons-learned from members of the public, licensees, and interest groups regarding the effectiveness of the revised construction reactor oversight process (cROP) as demonstrated during the pilot program currently in progress. This solicitation will allow external stakeholder to provide insights to support the staff assessment of the pilot results. A summary of the responses to the survey will be included in the cROP pilot assessment report to the Commission.

DATES: Complete and submit survey forms by December 31, 2012. The NRC will consider survey forms received after this date if it is practical to do so, but is able to ensure consideration of only survey forms received on or before this date.

ADDRESSES: Please refer to Docket ID NRC–2012–0249 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 are publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0249. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Email Survey to: NRO_cROP.Resource@nrc.gov.*
- *Mail Survey 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 Survey to:* RADB at 301–492–3446.

The electronic version of the survey questions may be obtained at *http://www.nrc.gov/reactors/new-reactors/oversight/crop/con-pilot.html.* For additional instructions on submitting surveys and instructions on accessing documents related to this action, see Section I, ''Accessing Information and Submitting Surveys''; of the **SUPPLEMENTARY INFORMATION** section of this document. If you cannot access the electronic version of the survey, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document to receive a copy of the survey.

FOR FURTHER INFORMATION CONTACT: Jose Jimenez, Operation Reactor Engineer, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5303; *Jose.Jimenez@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Surveys

Please include Docket ID NRC–2012–0249 in the subject line of your survey submission, in order to ensure that the NRC is able to make your submission available to the public in this docket. Surveys submitted in writing or in electronic form will be posted on the NRC's Web site and on the Federal rulemaking Web site, *http://www.regulations.gov/.*

The NRC cautions you not to include identifying or contact information that that you do not want to be publicly disclosed in your submission. The NRC will post all submissions at *http://www.regulations.gov* as well as enter the submissions into ADAMS. The NRC does not routinely edit submissions to remove identifying or contact information.

If you are requesting or aggregating submissions from other persons to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their submission. Your request should state that the NRC does not routinely edit to remove such information before making the submissions available to the public or entering the submissions into ADAMS.

You can access publicly available documents related to this notice using the following methods:

- *NRC's Public Document Room (PDR):* The public may examine and have copied for a fee publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The 2012, cROP pilot Survey is available electronically under ADAMS Accession Number ML12271A391.
- *Federal Rulemaking Web site:* Public survey submissions and supporting materials related to this action can be found at *http://www.regulations.gov/* by searching on Docket ID NRC–2012–0249.

Information regarding the cROP and licensee performance can be found at *http://www.nrc.gov/reactors/new-*

reactors/oversight/crop.html. In addition, the Commission paper may be accessed at this link when completed.

II. Program Overview

The mission of the NRC is to license and regulate the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. Specifically, for an application to construct a nuclear plant as specified in part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC's mission is accomplished through the following activities:

1. The NRC issues a combined license (COL) for the construction and operation of a nuclear facility following a detailed safety review;
2. The NRC inspects licensee construction activities to ensure compliance with regulatory requirements and the law.

It is the responsibility of the COL holder to ensure that the facility is constructed in accordance with the license and regulations. The NRC will inspect and assess licensee construction activities to provide reasonable assurance that the plant is constructed in accordance with the licensing basis. The NRC has applied lessons-learned from the prior plants constructed under 10 CFR part 50 in the development of the current construction regulatory oversight process. The cROP currently being piloted consists of many of the same objective elements as those used in the reactor oversight process (ROP), starting with a construction regulatory framework and including a construction significance determination process, a construction action matrix, and a similar enforcement approach to that which is in use in the ROP. The NRC engaged Regional and Headquarters staff and external stakeholders in the development of all portions of the new cROP, including the solicitation and appropriate disposition of all stakeholder comments received. Since the development and implementation of the cROP pilot program, the NRC has continued to solicit stakeholder input and has frequently communicated with the public and industry by various initiatives such as: conducting public meetings in the vicinity of each licensed commercial nuclear power plant, conducting public meetings and workshops, and placing pertinent background information and maintaining an NRC Web site containing easily accessible information about the cROP and licensee performance.

III. NRC Public Stakeholder Comments

The NRC is seeking feedback and lessons-learned from members of the public, public interest groups, and the nuclear industry on their insights regarding the effectiveness of the cROP pilot program which is being conducted during Calendar Year (CY) 2012. Responses received will provide important information for ongoing program staff, evaluation and improvement. A summary of the survey results obtained will be provided to the Commission via the staff evaluation, and will be used during the decision of whether or not the new cROP should be fully implemented.

IV. Survey

An electronic version of the survey questions may be obtained at *http://www.nrc.gov/reactors/new-reactors/oversight/crop/con-pilot.html.* If you have problems accessing the electronic version of the survey, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document to receive a copy of this survey. You may submit the survey to the NRC by any one of the methods listed in the **ADDRESSES** section of this document. The NRC does not plan to provide specific responses to the submissions received during this solicitation. The survey submissions will provide insights into the self-assessment process and a summary of the survey results will be included in the annual cROP self-assessment report to the Commission.

V. Paperwork Reduction Act

This survey contains information collections that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These information collections were approved by the Office of Management and Budget (OMB), Approval Number 3150–0197. The burden to the public for these voluntary information collections is estimated to be 45 minutes per response. The information gathered will be used in the NRC's self-assessment of the construction reactor oversight process and to determine whether or not the new process should be fully implemented. Send comments regarding this burden estimate to the Information Services Branch (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail to *INFOCOLLECTS.RESOURCE@NRC.GOV;* and to the Desk Officer, Chad Whiteman, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0197), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Dated at Rockville, Maryland, this 12th day of October, 2012.

For the U.S. Nuclear Regulatory Commission.

James Luehman,

Deputy Director, Division of Construction Inspection & Operational Programs, Office of New Reactors.

[FR Doc. 2012–25931 Filed 10–19–12; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MT2013–1; Order No. 1502]

Market Test of Experimental Product—Metro Post

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service proposal to conduct a market test involving the product called Metro Post. This document describes the proposed test, addresses procedural aspects of the filing, and invites public comment.

DATES: *Comments are due:* October 29, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820.

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I. Introduction
II. Background
III. Notice of Filing
IV. Ordering Paragraphs

SUPPLEMENTARY INFORMATION:

I. Introduction

On October 12, 2012, the Postal Service filed a notice, pursuant to 39 U.S.C. 3641, announcing its intent to conduct a market test of an experimental product called Metro

Post.[1] Metro Post is a package delivery service that will provide customers with same-day delivery from participating locations within a defined metropolitan area. *Id.* at 1. The market test will begin on or shortly after November 12, 2012 and continue for one calendar year. *Id.* at 6.

II. Background

The Postal Service states that online e-commerce companies and retailers have realized the power of online shipping platforms, which has created an opportunity for the Postal Service to explore the feasibility of providing same-day local delivery within a defined metropolitan area. *Id.* at 2. It asserts that the market test is specifically designed for online e-commerce companies and associated retailers to deliver products in a unique and timely manner to buyers living within a specified metropolitan area. *Id.* at 1. It notes that the market test will help the Postal Service test the operational feasibility of same-day package delivery and determine the optimal pricing structure for this type of service. *Id.* at 1–2.

Nature and scope of market test. Pursuant to section 3641(c)(1)(B), the Postal Service provides a description of the nature and scope of the market test. As part of the market test, the Postal Service will enter into relationships with qualifying online e-commerce companies to offer same-day local delivery. *Id.* at 2. Each participating online e-commerce company must have at least 10 physical locations nationally and one or more locations within the defined metropolitan area of the market test. The Postal Service anticipates entering into relationships with up to 10 companies over the course of the market test. *Id.*

The initial period of the market test lasts until January 2013. *Id.* at 2. During the initial period, each participant may only receive same-day delivery for up to 10 participating locations within a defined metropolitan area. *Id.* Only 200 packages per day may receive same-day delivery from the Postal Service during the initial period. *Id.* at 2–3. Eligible buyers must live in a specified area within a selected major metropolitan area. *Id.* at 3. The daily cut-off times for making purchases delivered via Metro Post will occur between 2:00 p.m. and 3:00 p.m. Same-day delivery will occur between approximately 4:00 p.m. and 8:00 p.m., as determined by the Postal Service. *Id.*

Statutory authority. The Postal Service indicates that its proposal satisfies the criteria of 39 U.S.C. 3641, which imposes certain conditions on experimental products. The Postal Service asserts that Metro Post is significantly different from all products offered within the past 2 years because it has not offered a same-day local delivery product during that time. *Id.* at 5; *see* 39 U.S.C. 3641(b)(1). It states that it does not expect Metro Post to create an ''unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer'' because prices offered by competitors for same-day delivery typically fall within the price range that the Postal Service intends to test. Notice at 5–6; *see* 39 U.S.C. 3641(b)(2). The Postal Service filed its pricing plans for the Metro Post market test under seal. Notice at 4. The Postal Service classifies Metro Post as a competitive product because it asserts that same-day delivery of packages is a component of the competitive package services market. *Id.* at 6; *see* 39 U.S.C. 3641(b)(3).

Exemption from revenue limitation. The Postal Service expects that the total revenue received from the market test may exceed the $10 million revenue limitation for market tests. Notice at 7; *see* 39 U.S.C. 3641(e)(1). It applies for an exemption of this statutory requirement and states that it has taken steps to ensure that anticipated revenues will not exceed $50 million in any year. Notice at 7; *see* 39 U.S.C. 3642(e)(2). It asserts that the market test is likely to benefit the public and meet an expected demand, as well as contribute to the financial stability of the Postal Service. Notice at 7.

Data collection. The Postal Service asserts that it will monitor market demand for Metro Post and will track the costs of providing same-day local delivery. *Id.* at 8. It has prepared a data collection plan and is prepared to report on the results of its research to the Commission. *Id.*

III. Notice of Filing

The Commission establishes Docket No. MT2013–1 to consider matters raised by the Notice, including the Postal Service's request for exemption from the $10 million revenue limitation. It encourages interested persons to review the Notice for more details. Interested persons may submit comments on whether the Postal Service's filing in the captioned docket is consistent with the policies of 39 U.S.C. 3641. Comments are due no later than October 29, 2012. The filing can be accessed via the Commission's Web site *(http://www.prc.gov).*

The Commission appoints Tracy Ferguson to serve as Public Representative in this docket.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MT2013–1 to consider matters raised by the Notice.

2. Pursuant to 39 U.S.C. 505, Tracy Ferguson is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments by interested persons are due no later than October 29, 2012.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2012–25841 Filed 10–19–12; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of the United States Postal Service of Market Test of Experimental Product—Metro Post—and Notice of Filing Material Under Seal, October 12, 2012 (Notice).

POSTAL REGULATORY COMMISSION

[Docket No. MC2013–3; Order No. 1503]

Product List Change

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is establishing a docket to consider the Postal Service's request to remove International Restricted Delivery from the competitive product list. This notice provides public notice of the Postal Service's filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 25, 2012.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http:www.prc.gov.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** portion of the preamble for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6824.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to remove International Restricted Delivery from the competitive product list.[1] International Restricted Delivery service limits who may receive an item as determined by the internal requirements of the destination country. The Request has been assigned Docket No. MC2013–3.

To support its Request, the Postal Service filed three attachments as follows:

- Attachment A—a copy of Governors' Decision No. 12–02, authorizing the removal of the product from the competitive product list;
- Attachment B—a Statement of Supporting Justification as required by 39 CFR 3020.32; and
- Attachment C—proposed changes to the Mail Classification Schedule competitive product list.

The Postal Service seeks to remove International Restricted Delivery service from the competitive product list due to low customer demand.[2] It states that there are no marketplace indicators that demonstrate future volume and revenue growth. Request at 2. In a separate filing, the Postal Service submits a library reference supporting its assertions and an application for non-public treatment, under seal.[3] The Postal Service maintains that the data contained in the library reference are commercially-sensitive and proprietary information that should not be released into the public domain pursuant to 39 U.S.C. 410(c)(2) and 5 U.S.C. 552(b)(3). *Id.* Attachment A at 1.

In addition, in the Statement of Supporting Justification, Larry E. Richardson, Manager of Alliance Integration and Support, asserts that because the Postal Service is requesting product removal, the product's ability to cover its own costs has no impact on the instant Request. Request, Attachment B at 2. Mr. Richardson contends that removal of the product from the competitive product list ensures there will be no issue of market dominant products subsidizing competitive products. *Id.*

II. Notice of Filings

The Commission establishes Docket No. MC2013–3 to consider the Request pertaining to the proposed removal of International Restricted Delivery from the competitive product list.

Interested persons may submit comments on whether the Postal Service's filings in the captioned docket are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than October 25, 2012. The public portions of the filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2013–3 to consider the Postal Service's Request.
2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
3. Comments by interested persons in these proceedings are due no later than October 25, 2012.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2012–25844 Filed 10–19–12; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Remove International Restricted Delivery from the Competitive Product List, October 11, 2012 (Request).

[2] Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products at 7, September 13, 2012 (Governors' Decision No. 12–02).

[3] United States Postal Service Notice of Filing Library Reference USPS–LR–MC2013–3/NP1 and Application for Non-Public Treatment, October 11, 2012.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30234; 812–14019]

Medley Capital Corporation, *et al.*; Notice of Application

October 16, 2012.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 18(a) and 61(a) of the Act.

Applicants: Medley Capital Corporation (the ''Company''), MCC Advisors LLC (the ''Investment Adviser''), Medley SBIC GP, LLC (the ''General Partner''), and Medley SBIC, LP (''Medley SBIC'').

SUMMARY: *Summary of the Application:* The Company requests an order to permit it to adhere to a modified asset coverage requirement.

DATES: *Filing Dates:* The application was filed March 28, 2012, and amended on August 10, 2012.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 13, 2012, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: 375 Park Avenue, Suite 3304, New York, NY 10152.

FOR FURTHER INFORMATION CONTACT: Lewis B. Reich, Senior Counsel, at (202) 551–6919, or Jennifer L. Sawin, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Company, a Delaware corporation, is an externally managed, non-diversified, closed-end management investment company that has elected to be regulated as, and operates as, a business development company (''BDC'') under the Act.[1] The Company seeks to generate current

[1] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in section 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

income and capital appreciation by lending directly to privately-held middle market companies. The Investment Adviser, a Delaware limited liability company, is the investment adviser to the Company and to Medley SBIC. The Investment Adviser is registered under the Investment Advisers Act of 1940.

2. Medley SBIC, a Delaware limited partnership, has submitted an application to the Small Business Administration (''SBA'') for a license to operate as a small business investment company (''SBIC'') under the Small Business Investment Act of 1958 (''SBIA'') and expects that application to be approved in the next six months. Medley SBIC is excluded from the definition of investment company by section 3(c)(7) of the Act. The General Partner, a Delaware limited liability company, is a wholly-owned subsidiary of the Company and the general partner of Medley SBIC. The Company is the sole member of the General Partner. The Company, directly and through its ownership of the General Partner, owns all of the equity and voting interests of Medley SBIC.

Applicants' Legal Analysis

1. The Company requests an exemption pursuant to section 6(c) of the Act from the provisions of sections 18(a) and 61(a) of the Act to permit it to adhere to a modified asset coverage requirement with respect to any direct or indirect wholly owned subsidiary of the Company that is licensed by the SBA to operate under the SBIA as a SBIC and relies on Section 3(c)(7) to be excepted from the definition of ''investment company'' under the 1940 Act (each, a ''SBIC Subsidiary'').[2] Applicants state that companies operating under the SBIA, such as the SBIC Subsidiaries, will be subject to the SBA's substantial regulation of permissible leverage in their capital structure.

2. Section 18(a) of the Act prohibits a registered closed-end investment company from issuing any class of senior security or selling any such security of which it is the issuer unless the company complies with the asset coverage requirements set forth in that section. Section 61(a) of the Act makes section 18 applicable to BDCs, with certain modifications. Section 18(k) exempts an investment company operating as an SBIC from the asset coverage requirements for senior securities representing indebtedness that are contained in section 18(a)(1)(A) and (B).

3. Applicants state that the Company may be required to comply with the asset coverage requirements of section 18(a) (as modified by section 61(a)) on a consolidated basis because the Company may be deemed to be an indirect issuer of any class of senior security issued by Medley SBIC or another SBIC Subsidiary. Applicants state that applying section 18(a) (as modified by section 61(a)) on a consolidated basis generally would require that the Company treat as its own all assets and any liabilities held directly either by itself, by Medley SBIC, or by another SBIC Subsidiary. Accordingly, the Company requests an order under section 6(c) of the Act exempting the Company from the provisions of section 18(a) (as modified by section 61(a)), such that senior securities issued by each SBIC Subsidiary that would be excluded from the SBIC Subsidiary's asset coverage ratio by section 18(k) if it were itself a BDC would also be excluded from the Company's consolidated asset coverage ratio.

4. Section 6(c) of the Act, in relevant part, permits the Commission to exempt any transaction or class of transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief satisfies the section 6(c) standard. Applicants contend that, because the SBIC Subsidiary would be entitled to rely on section 18(k) if it were a BDC itself, there is no policy reason to deny the benefit of that exemption to the Company.

Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

The Company shall not issue or sell any senior security and the Company shall not cause or permit Medley SBIC or any other SBIC Subsidiary to issue or sell any senior security of which the Company, Medley SBIC or any other SBIC Subsidiary is the issuer except to the extent permitted by section 18 (as modified for BDCs by section 61) of the Act; provided that, immediately after the issuance or sale by any of the Company, Medley SBIC or any other SBIC Subsidiary of any such senior security, the Company, individually and on a consolidated basis, shall have the asset coverage required by section 18(a) of the Act (as modified by section 61(a)). In determining whether the Company has the asset coverage on a consolidated basis required by section 18(a) of the Act (as modified by section 61(a)), any senior securities representing indebtedness of Medley SBIC or another SBIC Subsidiary shall not be considered senior securities and, for purposes of the definition of ''asset coverage'' in section 18(h), shall be treated as indebtedness not represented by senior securities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–25871 Filed 10–19–12; 8:45 am]

BILLING CODE 8011–01–P

[2] All existing entities that currently intend to rely on the order are named as applicants. Any other existing or future entity that may rely on the order in the future will comply with the terms and condition of the order.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68055; File No. SR–CME–2012–39]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change To Amend CME Rule 971 To Require FCM Clearing Members To Provide Certain View-Only Access

October 16, 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 October 4, 2012, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared substantially by CME. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME proposes to make amendments to CME Rule 971 as part of an industry wide initiative that is designed to further safeguard customer funds held at the futures commission merchant (''FCM'') level.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME 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 III below. CME has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.[3]

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and operates a substantial business clearing futures and swaps contracts subject to the jurisdiction of the CFTC. CME proposes to make rule changes to CME Rule 971 in coordination with the implementation by the National Futures Association (''NFA'') of parallel revisions to NFA rules. The proposed rule changes are part of a continuing effort to enhance the protection of customer funds held at the FCM level.

Under revised CME 971.C, FCM clearing members would be required to provide the CME Audit Department with view-only full access of segregated, secured, and Cleared Swaps Customer accounts at a bank or trust company. Amended CME Rule 971.C would provide the CME Audit Department with enhanced capabilities to review FCM funds at a bank or trust company for verification on a real-time and surprise basis, without seeking further authorization from FCM clearing members.

The proposed effective date for these revisions is after November 5, 2012 and will be coordinated with implementation by the National Futures Association (''NFA'') of parallel revisions to NFA rules. The proposed changes to CME Rule 971 are attached as Exhibit 5 to the Form 19b–4 that was filed with the Commission in connection with this proposed rule change.[4] CME also made a filing, CME Submission 12–282, with the CFTC, with respect to the proposed changes.

CME believes the proposed changes are consistent with the requirements of the Exchange Act. First, CME, a derivatives clearing organization, is implementing the proposed changes in furtherance with applicable CFTC regulations and the Commodity Exchange Act (''CEA''), which contains a number of provisions that are comparable to the policies underlying the Act, including, for example, promoting market transparency for derivatives markets, promoting the prompt and accurate clearance of transactions, and protecting investors and the public interest.[5] Second, CME believes the proposed changes are specifically designed to protect investors and the public interest because the requirements help safeguard customer funds held at the FCM level.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. 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–CME–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–CME–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 such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2012–39 and should be submitted on or before November 13, 2012.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

Section 19(b) of the Act[6] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission finds that the proposed rule change is consistent with the requirements of the Act, in particular the requirements of Section 17A of the Act, and the rules and regulations thereunder applicable to CME.[7] Specifically, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act, which requires, among other things, that the rules of a registered

[3] The Commission has modified the text of the summaries prepared by CME.

[4] On November 5, 2012, in connection with implementation of the CFTC's Part 22 Regulations, references to ''sequestered'' accounts in CME Rule 971 will be changed to Cleared Swaps Customer accounts, and references to CME rules for sequestered accounts will be deleted. These changes were the subject of a separate CME filing with the Commission, SR–CME–2012–30. The text of the proposed changes associated with this filing contains the current ''sequestered'' terminology.

[5] 15 U.S.C. 78q–1(b)(3)(F).

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

[7] 15 U.S.C. 78q–1. 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).

clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and to protect investors and the public interest.[8]

In its filing, CME requested that the Commission approve this proposed rule change on an accelerated basis for good cause shown because the proposed changes are part of an industry wide initiative that is specifically designed to protect investors and the public interest through adoption of requirements that help safeguard customer funds held at the FCM level.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[9] for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register** because, as a registered derivatives clearing organization, CME must make the rule changes discussed above as part of an industry wide initiative that is specifically designed to protect investors and the public interest through adoption of requirements that help safeguard customer funds held at the FCM level.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–CME–2012–39) be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–25864 Filed 10–19–12; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68056; File No. SR–NSX–2012–16]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend its Rules To Clarify the Handling of Zero Displayed Reserve Orders During Crossed Markets and To Add a Definition of a Primary Peg Order

October 16, 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 October 10, 2012, National Stock Exchange, Inc. (''Exchange'' or ''NSX'') 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 comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to modify the text of Exchange Rule 11.11, 11.14 and 11.15 to (1) clarify that the Exchange's trading system (the ''System'' [3]) will not execute a Zero Display Reserve Order when the national best bid is priced higher than the national best offer (i.e., a crossed market), and (2) add a definition of a Primary Peg Order under Rule 11.11 (c)(2)(A).

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

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 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 amend its rules to clarify that the System will not execute Zero Display Reserve Orders during a crossed market. A Zero Display Reserve Order is a Reserve Order for which the entire order size remains hidden or undisplayed.

Exchange Rule 11.15(a)(iv) sets forth the manner in which Zero Display Reserve Orders are executed. Currently, the System will not execute a Zero Display Reserve Order during a crossed market. The Exchange is proposing to amend Rules 11.11(c)(2)(A) and 11.11(c)(2)(D), 11.14(a)(4) and Rule 11.15(a)(iv) in order to provide that (i) Zero Display Reserve Orders will not execute during crossed markets, and (ii) such Zero Display Reserve Orders will be eligible for execution when the market uncrosses (i.e., the protected bid is priced lower than the protected offer). The Exchange will make other clarifying edits to similar rules in an effort to maintain clear and cohesive Exchange rules.

Exchange Rule 11.15(a)(iv) currently provides that a Zero Display Reserve Order designated as a Post Only Order which is marketable upon entry, but not executed pursuant to Rule 11.11(c)(5)(B), is ranked in the NSX Book and ''matched for execution in accordance with Rule 11.15.'' The Exchange proposes to amend the language in Rule 11.15(a)(iv) to explicitly provide that Zero Display Reserve Orders will not execute during a crossed market. The Exchange is also proposing to add language to Rule 11.15(a)(iv) to clarify that these orders, if not cancelled during this period, will be executed when the protected bid is priced lower than the protected offer.

The Exchange sets forth the execution priority for Reserve Orders, including Zero Display Reserve Orders, in Rule 11.14. Under this rule, Reserve Orders have time priority over Zero Display Reserve Orders. The time priority among Zero Display Reserve Orders at the same price is established by several factors including whether the order has a Minimum Execution Quantity Instruction.[4] The Exchange is proposing to amend Rule 11.14(a)(4) to clarify that each Zero Display Reserve Order will retain its time priority when the System does not execute the order during a crossed market.

These clarifying amendments provide Equity Trading Permit (''ETP'') holders with additional information regarding how the System executes Reserve Orders and Zero Display Reserve Orders. The Exchange further proposes to clarify this notion in Rule 11.11(c)(2)(D) by referencing the execution process for Zero Display Reserve Orders set forth in 11.15(a)(iv). Currently, Rule 11.11(c)(2)(D) notifies ETP Holders that Zero Display Reserve Orders will not be eligible for routing to away Trading Centers. By adding the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The ''System'' refers to ''the electronic securities communications and trading facility designated by the Board through which orders of Users are consolidated for ranking and execution.'' *See* Exchange Rule 1.5.

[4] *See* Exchange Rule 11.14(a)(4).

proposed language, ETP Holders will also be on notice that such orders will not be eligible for execution when the market is crossed.[5] In addition, as a clarifying change, in an attempt to make Exchange rules more consistent, the Exchange is proposing to capitalize ''Trading Center'' as the term is defined in Rule 2.11.[6]

Finally, the Exchange proposes to make some clarifying modifications to the Zero Display Reserve Order Rules in Exchange Rule 11.11(c)(2)(A). Namely, the Exchange is proposing to clarify the Exchange's language addressing Zero Display Reserve Orders, in general, by adding the definition of a ''Primary Peg''. In the proposed language, a Primary Peg is ''a pegged Zero Display Reserve Order that tracks the inside quote of the same side of the market.'' This order type is currently offered by the Exchange, and the Exchange is, therefore, proposing to modify this Rule to make clear that the Primary Peg Order type is available to users. The Exchange also proposes to add this language to clarify to ETP Holders all modifiers that may be used in the NSX System with respect to Zero Display Reserve Orders.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6 of the Act),[7] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the modification of Rule 11.11, 11.14, and 11.15 furthers the objective of Section 6(b)(5) of the Act because it clearly explains how the Exchange handles Zero Display Reserve Orders when the protected bid is priced higher than the protected offer in NMS stock. Furthermore, incorporating a definition of the Primary Peg Order type will provide ETP Holders clarity as to how those orders are to be handled by the Exchange. Accordingly, the Exchange believes that the proposed rule change promotes just and equitable principles of trade, will remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, protects investors and the public interest.

The proposed rule change provides transparency and certainty with respect to how certain orders are executed on the Exchange. In so doing, the proposed rule change promotes the maintenance of a fair and orderly market, the protection of investors and the protection of the public interest, consistent with the Act and the rules promulgated thereunder.

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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19–4(f)(6)(iii) thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSX–2012–16 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–2012–16. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NSX–2012–16 and should be submitted on or before November 13, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–25879 Filed 10–19–12; 8:45 am]

BILLING CODE 8011–01–P

[5] ETP holders have expressed to the Exchange their preference that their Zero Reserve Display Orders not be executed when the market is crossed because it would result in inferior execution. In addition, other exchanges do not execute similar orders where the market is crossed. *See* CBOE Rule 51.8(g)(10).

[6] *See* Exchange Rule 2.11.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b).

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

[10] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68057; File No. SR–BX–2012–068]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Assess a Monthly Fee for Subscription to the QView Service

October 16, 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 October 9, 2012, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

BX proposes to assess a monthly fee for subscription to the QView service under Rule 7058. The Exchange is proposing to implement the proposed fee beginning on October 15, 2012. The text of the proposed rule change is available at *http://nasdaqomxbx.cchwallstreet.com,* at BX's principal office, 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 III [sic] 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 adopt a fee of $200 per month, per member firm for subscription to the new QView service. The Exchange recently introduced the QView service, a web-based, front-end application that provides a subscribing member firm with increased transparency over its trading activity on the Exchange by allowing the member firm to track its Exchange order flow.[3] The Exchange is proposing to implement the proposed fee on October 15, 2012.

BX notes that QView is currently offered by its sister exchange, The NASDAQ Stock Market LLC for a fee of $600 per month, per member firm.[4] BX's QView service is identical to that of NASDAQ, yet offered at a lower monthly subscription fee of $200 per month, per member firm. The Exchange determined to assess a lower fee than the NASDAQ service based on the lower volume of trading on BX and, hence, less data provided by BX QView as compared to NASDAQ QView.[5] As noted in adopting BX QView, a subscriber must also subscribe to Tradeinfo BX to subscribe to BX QView.[6]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act[7] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange believes that the proposed fee is equitable and not unfairly discriminatory because member firms that voluntarily elect to subscribe to this service will be charged the same fee. QView provides subscribing member firms with a top down view of their trading activity on the Exchange and the proposed fee is assessed on a per member firm basis. The value of QView to a subscribing member firm is the convenience of aggregating and displaying the firm's data in a single interface regardless of the amount of data (executions, open orders, etc.) or the number of MPIDs that the firm has. In this regard, the Exchange notes that the number of MPIDs that a subscribing member firm possesses is not indicative of quantity and value of the data provided by QView. In many cases, a firm with a single MPID may in fact have more data than a firm with multiple MPIDs. As such, the Exchange believes that it is equitable to assess the fee on a per firm basis, as opposed to a per MPID basis. The Exchange also believes that the proposed fee does not unfairly discriminate because it is available to all member firms on equal terms and there is no differentiation among member firms in regard to the fee assessed to subscribers. In addition, the Exchange believes that it is not unfair discrimination to limit the service to broker-dealers that are members of the Exchange because it provides information solely concerning a subscribing member firm's trading activity on the Exchange.

The Exchange determined that the proposed fee is reasonable based on member firm interest in QView, costs associated with developing and supporting QView, and the value that QView provides to subscribing member firms. The information provided by QView relates to the subscribing member firm's activity on the Exchange and the member firm may access and aggregate this information by other means, including its own internal systems. As such, the Exchange believes that if a member firm determines that the fee is not cost-efficient for its needs, it may decline to subscribe to QView and access such information from other sources. Finally, the maximum fee for a member that elects to subscribe to this service, regardless of the number of MPIDs held by the firm, is $200 per month. Subscription to QView is per member firm, therefore a firm must subscribe only once to QView to receive the service for as many of its MPIDs as it wishes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67952 (October 1, 2012), 77 FR 61041 (October 5, 2012) (SR–BX–2012–061) (adopting the QView Service on BX).

[4] *See* NASDAQ Rule 7058.

[5] Member firms are assessed an initial monthly subscription fee prorated for the remainder of the month subscribed.

[6] *Supra* note 3.

[7] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[8] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–2012–068 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.

All submissions should refer to File Number SR–BX–2012–068. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2012–068 and should be submitted on or before November 13, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–25865 Filed 10–19–12; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–68058; File No. SR–Phlx–2012–123]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Assess a Monthly Fee for Subscription to the QView Service

October 16, 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 October 9, 2012, NASDAQ OMX PHLX LLC (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

PHLX proposes to modify its fee schedule concerning NASDAQ OMX PSX fees to assess a monthly fee for subscription to the QView service. The Exchange is proposing to implement the proposed fee beginning on October 15, 2012. The text of the proposed rule change is available at *http://nasdaqomxphlx.cchwallstreet.com,* at PHLX's principal office, 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 III [sic] 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 adopt a fee of $100 per month, per member firm for subscription to the new QView service. The Exchange recently introduced the QView service, a web-based, front-end application that provides a subscribing member firm with increased transparency over its trading activity on the Exchange by allowing the member firm to track its Exchange order flow.[3] The Exchange is proposing to implement the proposed fee on October 15, 2012.

PHLX notes that QView is currently offered by its sister exchange, The NASDAQ Stock Market LLC for a fee of $600 per month, per member firm.[4] PHLX's QView service is identical to that of NASDAQ, yet offered at a lower monthly subscription fee of $100 per month, per member firm. The Exchange determined to assess a lower fee than the NASDAQ service based on the lower volume of trading on the Exchange's equities market, NASDAQ OMX PSX (''PSX'') and, hence, less data provided

[3] *See* Securities Exchange Act Release No. 67951 (October 1, 2012), 77 FR 61039 (October 5, 2012) (SR–Phlx–2012–114) (adopting the QView Service on PHLX).

[4] *See* NASDAQ Rule 7058.

by PHLX QView as compared to NASDAQ QView.[5] As noted in adopting PHLX QView, a subscriber must also subscribe to Tradeinfo PSX to subscribe to PHLX QView.[6]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act[7] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange believes that the proposed fee is equitable and not unfairly discriminatory because member firms that voluntarily elect to subscribe to this service will be charged the same fee. QView provides subscribing member firms with a top down view of their trading activity on the Exchange and the proposed fee is assessed on a per member firm basis. The value of QView to a subscribing member firm is the convenience of aggregating and displaying the firm's data in a single interface regardless of the amount of data (executions, open orders, etc.) or the number of MPIDs that the firm has. In this regard, the Exchange notes that the number of MPIDs that a subscribing member firm possesses is not indicative of quantity and value of the data provided by QView. In many cases, a firm with a single MPID may in fact have more data than a firm with multiple MPIDs. As such, the Exchange believes that it is equitable to assess the fee on a per firm basis, as opposed to a per MPID basis. The Exchange also believes that the proposed fee does not unfairly discriminate because it is available to all member firms on equal terms and there is no differentiation among member firms in regard to the fee assessed to subscribers. In addition, the Exchange believes that it is not unfair discrimination to limit the service to broker-dealers that are members of the Exchange because it provides information solely concerning a subscribing member firm's trading activity on the Exchange.

The Exchange determined that the proposed fee is reasonable based on member firm interest in QView, costs associated with developing and supporting QView, and the value that QView provides to subscribing member firms. The information provided by QView relates to the subscribing member firm's activity on the Exchange and the member firm may access and aggregate this information by other means, including its own internal systems. As such, the Exchange believes that if a member firm determines that the fee is not cost-efficient for its needs, it may decline to subscribe to QView and access such information from other sources. Finally, the maximum fee for a member that elects to subscribe to this service, regardless of the number of MPIDs held by the firm, is $100 per month. Subscription to QView is per member firm, therefore a firm must subscribe only once to QView to receive the service for as many of its MPIDs as it wishes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[8] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–Phlx–2012–123 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.

All submissions should refer to File Number SR-Phlx-2012–123. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2012–123 and should be submitted on or before November 13, 2012.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2012–25866 Filed 10–19–12; 8:45 am]

BILLING CODE 8011–01–P

[5] Member firms are assessed an initial monthly subscription fee prorated for the remainder of the month subscribed.

[6] *Supra* note 3.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8065]

Shipping Coordinating Committee; Notice of Committee Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Wednesday, November 7, 2012, in Room 5–0624 of the United States Coast Guard Headquarters Building, 2100 2nd Street SW., Washington, DC 20593. The primary purpose of the meeting is to prepare for the thirty-eighth session of the International Maritime Organization's (IMO) Facilitation Committee to be held at the IMO Headquarters, London, United Kingdom, April 8–12, 2013.

The agenda items to be considered include:

—Adoption of the agenda; report on credentials.
—Decisions of other IMO bodies.
—Consideration and adoption of proposed amendments to the Convention.
—General review of the Convention, including harmonization with other international instruments:

A. Comprehensive review of the Annex to the Convention, including: Intersessional Correspondence Group (ISCG) work.

—E-business possibilities for the facilitation of maritime traffic.

A. Electronic means for the clearance of ships, cargo and passengers.

B. Electronic access to, or electronic versions of, certificates and documents required to be carried on ships, including ISCG work, including:

1. Pros and cons of relying on electronic versions of certificates.
2. Security features of electronic versions of certificates.
3. Security features of Web sites used to view certificates.

—Formalities connected with the arrival, stay and departure of persons, including:

A. Shipboard personnel.
B. Stowaways.
C. Illegal migrants.
D. Persons rescued at sea.

—Ensuring security in and facilitating international trade, including:

A. Shore leave and access to ships.

B. Trade recovery, including the following ISCG work:

1. Analysis and collection of relevant practices, standards and activities including World Customs Organization and International Organization for Standardization standards.
2. Based on analysis, develop voluntary guidelines for Maritime Trade Recovery.

—Ship/port interface.

A. Facilitation of shipments of dangerous cargoes.

—Technical co-operation and assistance.
—Relations with other organizations.
—Application of the Committee's Guidelines.
—Work programme.

A. Role, mission, strategic direction and work of the Committee, including potential future work items.

—Election of Chairman and Vice-Chairman for 2012.
—Any other business.
—Consideration of the report of the Committee on its thirty-eighth session.

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. David Du Pont, by email at *David.A.DuPont@uscg.mil,* by phone at (202) 372–1497, by fax at (202) 372–1928, or in writing at Commandant (CG–REG), U.S. Coast Guard, 2100 2nd Street SW., Stop 7126, Washington, DC 20593–7126 not later than October 31, 2012, 7 days prior to the meeting. Requests made after October 31, 2012, might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. Additional information regarding this and other IMO SHC public meetings may be found at *www.uscg.mil/imo.*

Dated: October 15, 2012.

Brian Robinson,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 2012–25962 Filed 10–19–12; 8:45 am]

BILLING CODE 4710–09–P

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold a public hearing on November 15, 2012, in Harrisburg, Pennsylvania. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. Such projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 14, 2012, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 26, 2012.

DATES: The public hearing will convene on November 15, 2012, at 2:30 p.m. The public hearing will end at 5:00 p.m. or at the conclusion of public testimony, whichever is sooner. The deadline for the submission of written comments is November 26, 2012.

ADDRESSES: The public hearing will be conducted at the Pennsylvania State Capitol, Room 8E–B, East Wing, Commonwealth Avenue, Harrisburg, Pa.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238–0423, ext. 306; fax: (717) 238–2436.

Information concerning the applications for these projects is available at the SRBC Water Resource Portal at *www.srbc.net/wrp.* Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at *www.srbc.net/pubinfo/docs/2009–02%20Access%20to%20Records%20Policy%209–10–09.PDF.*

Opportunity to Appear and Comment: Interested parties may appear at the hearing to offer comments to the Commission on any project listed below. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's Web site, *www.srbc.net*, prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed below may also be mailed to Mr. Richard Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, Pa. 17102–2391, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Comments mailed or electronically submitted must be received by the Commission on or before November 26, 2012, to be considered.

SUPPLEMENTARY INFORMATION: The public hearing will cover the following projects:

Projects Scheduled for Rescission Action:

1. Project Sponsor and Facility: Cinram Manufacturing, Borough of Olyphant, Lackawanna County, PA (Docket Nos. 19960701 and 19960701–1).

2. Project Sponsor and Facility: Clark Trucking, LLC Northeast Division (Lycoming Creek), Lewis Township,

Lycoming County, PA (Docket No. 20111207).

3. Project Sponsor and Facility: Woolrich, Inc., Gallagher Township, Clinton County, PA (Docket No. 20050305).

Compliance Action:

1. Project Sponsor: Chobani, Inc. Project Facility: South Edmeston Facility, Town of Columbus, Chenango County, NY.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Source Approval), Piatt, Mifflin, Watson, Cummings, Anthony, Lycoming, and Cogan House Townships, Lycoming County, PA. Modification to expand regional pipeline system (Docket No. 20120604).

2. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Modification to increase surface water withdrawal by an additional 0.500 mgd (peak day), for a total of 0.900 mgd (peak day) (Docket No. 20120303).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Bowman Creek), Eaton Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.290 mgd (peak day) (Docket No. 20080929).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.054 mgd (peak day) (Docket No. 20080920).

5. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.250 mgd (peak day) (Docket No. 20080918).

6. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, PA. Application for renewal of groundwater withdrawal of up to 0.035 mgd (30-day average) from Well 6 (Docket No. 19820912).

7. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Silver Creek), Silver Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.720 mgd (peak day).

8. Project Sponsor and Facility: Centura Development Company, Inc., Old Lycoming Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.250 mgd (30-day average) from Well 1.

9. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

10. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Mehoopany Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20080923).

11. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wysox Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20080914).

12. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.715 mgd (peak day) (Docket No. 20110607).

13. Project Sponsor and Facility: Chief Oil & Gas LLC (Sugar Creek), Burlington Borough and Burlington Township, Bradford County, PA. Application for surface water withdrawal of up to 0.099 mgd (peak day).

14. Project Sponsor and Facility: Citrus Energy (Susquehanna River), Washington Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.994 mgd (peak day) (Docket No. 20081205).

15. Project Sponsor and Facility: EQT Production Company, Duncan Township, Tioga County, PA. Application for groundwater withdrawal of up to 0.072 mgd (30-day average) from Antrim Well 1.

16. Project Sponsor and Facility: EQT Production Company, Duncan Township, Tioga County, PA. Application for groundwater withdrawal of up to 0.072 mgd (30-day average) from Antrim Well 2.

17. Project Sponsor and Facility: EQT Production Company (Pine Creek), Porter Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.000 mgd (peak day).

18. Project Sponsor and Facility: Equipment Transport, LLC (Pine Creek), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 0.467 mgd (peak day).

19. Project Sponsor and Facility: EXCO Resources (PA), LLC (Little Muncy Creek), Franklin Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

20. Project Sponsor and Facility: EXCO Resources (PA), LLC (Pine Creek), Watson Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

21. Project Sponsor and Facility: Falling Springs Water Works, Inc. (Falling Springs Reservoir), Ransom Township, Lackawanna County, PA. Application for surface water withdrawal of up to 0.800 mgd (peak day).

22. Project Sponsor and Facility: Gaberseck Brothers (Odin Pond 2), Keating Township, Potter County, PA. Application for surface water withdrawal of up to 0.249 mgd (peak day).

23. Project Sponsor and Facility: Galeton Borough Water Authority, Galeton Borough, Potter County, PA. Application for groundwater withdrawal of up to 0.288 mgd (30-day average) from the Germania Street Well.

24. Project Sponsor and Facility: Houtzdale Municipal Authority (Beccaria Springs), Gulich Township, Clearfield County, PA. Application for surface water withdrawal of up to 5.000 mgd (peak day).

25. Project Sponsor and Facility: Mark Manglaviti & Scott Kresge (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

26. Project Sponsor and Facility: Mountain Energy Services, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Modification to increase surface water withdrawal by an additional 0.499 mgd (peak day), for a total of 1.498 mgd (peak day) (Docket No. 20100309).

27. Project Sponsor and Facility: Borough of Patton, Clearfield Township, Cambria County, PA. Application for groundwater withdrawal of up to 0.316 mgd (30-day average) from Well 2.

28. Project Sponsor and Facility: Borough of Patton, Clearfield Township, Cambria County, PA. Application for groundwater withdrawal of up to 0.316 mgd (30-day average) from Well 3.

29. Project Sponsor and Facility: Pennsylvania General Energy Company, L.L.C. (First Fork Sinnemahoning Creek), Wharton Township, Potter County, PA. Application for renewal of surface water withdrawal of up to 0.231 mgd (peak day) (Docket No. 20080928).

30. Project Sponsor and Facility: Southwestern Energy Production Company (Lycoming Creek—Bodines), Lewis Township, Lycoming County, PA. Request for extension of Docket No. 20091207.

31. Project Sponsor and Facility: Southwestern Energy Production Company (Lycoming Creek—Ralston), McIntyre Township, Lycoming County,

PA. Request for extension of Docket No. 20091210.

32. Project Sponsor and Facility: Southwestern Energy Production Company (Middle Lake), New Milford Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.720 mgd (peak day).

33. Project Sponsor and Facility: Talisman Energy USA Inc. (Tamarack Lake), Armenia Township, Bradford County, PA. Application for surface water withdrawal of up to 0.100 mgd (peak day).

34. Project Sponsor and Facility: West Cocalico Township Authority, West Cocalico Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.259 mgd (30-day average) from Well 2 (Docket No. 19780101).

35. Project Sponsor and Facility: York County Solid Waste and Refuse Authority, Hopewell Township, York County, PA. Modification to replace a remediation well source with no increase in the total system withdrawal limit (Docket No. 19970506).

Authority: Pub. L. 91–575, 84 Stat. 1509 et seq., 18 CFR parts 806–808.

Dated: October 12, 2012.

Thomas W. Beauduy,

Deputy Executive Director.

[FR Doc. 2012–25914 Filed 10–19–12; 8:45 am]

BILLING CODE 7040–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

North American Free Trade Agreement; Invitation for Applications for Inclusion on the Chapter 19 Roster

AGENCY: Office of the United States Trade Representative.

ACTION: Invitation for applications.

SUMMARY: Chapter 19 of the North American Free Trade Agreement (''NAFTA'') provides for the establishment of a roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty (''AD/CVD'') proceedings and amendments to AD/CVD statutes of a NAFTA Party. The United States annually renews its selections for the Chapter 19 roster. Applications are invited from eligible individuals wishing to be included on the roster for the period April 1, 2013, through March 31, 2014.

DATES: Applications should be received no later than November 30, 2012.

ADDRESSES: Applications should be submitted (i) electronically to *www.regulations.gov,* docket number USTR–2012–0034, or (ii) by fax, to Sandy McKinzy at (202) 395–3640.

FOR FURTHER INFORMATION CONTACT: Suzanne Garner, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–9663.

SUPPLEMENTARY INFORMATION:

Binational Panel Reviews Under NAFTA Chapter 19

Article 1904 of the NAFTA provides that a party involved in an AD/CVD proceeding may obtain review by a binational panel of a final AD/CVD determination of one NAFTA Party with respect to the products of another NAFTA Party. Binational panels decide whether such AD/CVD determinations are in accordance with the domestic laws of the importing NAFTA Party, and must use the standard of review that would have been applied by a domestic court of the importing NAFTA Party. A panel may uphold the AD/CVD determination, or may remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a three-member extraordinary challenge committee, selected from a separate roster composed of fifteen current or former judges.

Article 1903 of the NAFTA provides that a NAFTA Party may refer an amendment to the AD/CVD statutes of another NAFTA Party to a binational panel for a declaratory opinion as to whether the amendment is inconsistent with the General Agreement on Tariffs and Trade (''GATT''), the GATT Antidumping or Subsidies Codes, successor agreements, or the object and purpose of the NAFTA with regard to the establishment of fair and predictable conditions for the liberalization of trade. If the panel finds that the amendment is inconsistent, the two NAFTA Parties shall consult and seek to achieve a mutually satisfactory solution.

Chapter 19 Roster and Composition of Binational Panels

Annex 1901.2 of the NAFTA provides for the maintenance of a roster of at least 75 individuals for service on Chapter 19 binational panels, with each NAFTA Party selecting at least 25 individuals. A separate five-person panel is formed for each review of a final AD/CVD determination or statutory amendment. To form a panel, the two NAFTA Parties involved each appoint two panelists, normally by drawing upon individuals from the roster. If the Parties cannot agree upon the fifth panelist, one of the Parties, decided by lot, selects the fifth panelist from the roster. The majority of individuals on each panel must consist of lawyers in good standing, and the chair of the panel must be a lawyer.

Upon each request for establishment of a panel, roster members from the two involved NAFTA Parties will be requested to complete a disclosure form, which will be used to identify possible conflicts of interest or appearances thereof. The disclosure form requests information regarding financial interests and affiliations, including information regarding the identity of clients of the roster member and, if applicable, clients of the roster member's firm.

Criteria for Eligibility for Inclusion on Chapter 19 Roster

Section 402 of the NAFTA Implementation Act (Pub. L. 103–182, as amended (19 U.S.C. 3432)) (''Section 402'') provides that selections by the United States of individuals for inclusion on the Chapter 19 roster are to be based on the eligibility criteria set out in Annex 1901.2 of the NAFTA, and without regard to political affiliation. Annex 1901.2 provides that Chapter 19 roster members must be citizens of a NAFTA Party, must be of good character and of high standing and repute, and are to be chosen strictly on the basis of their objectivity, reliability, sound judgment, and general familiarity with international trade law. Aside from judges, roster members may not be affiliated with any of the three NAFTA Parties. Section 402 also provides that, to the fullest extent practicable, judges and former judges who meet the eligibility requirements should be selected.

Adherence to the NAFTA Code of Conduct for Binational Panelists

The ''Code of Conduct for Dispute Settlement Procedures Under Chapters 19 and 20'' (*see http://www.nafta-sec-alena.org/en/view.aspx?x=345&mtpiID=ALL*), which was established pursuant to Article 1909 of the NAFTA, provides that current and former Chapter 19 roster members ''shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.'' The Code also provides that candidates to serve on chapter 19 panels, as well as those who are ultimately selected to serve as panelists, have an obligation to ''disclose any interest, relationship or matter that is likely to affect [their] impartiality or independence, or that might reasonably

create an appearance of impropriety or an apprehension of bias.'' Annex 1901.2 of the NAFTA provides that roster members may engage in other business while serving as panelists, subject to the Code of Conduct and provided that such business does not interfere with the performance of the panelist's duties. In particular, Annex 1901.2 states that ''[w]hile acting as a panelist, a panelist may not appear as counsel before another panel.''

Procedures for Selection of Chapter 19 Roster Members

Section 402 establishes procedures for the selection by the Office of the United States Trade Representative (''USTR'') of the individuals chosen by the United States for inclusion on the Chapter 19 roster. The roster is renewed annually, and applies during the one-year period beginning April 1 of each calendar year.

Under Section 402, an interagency committee chaired by USTR prepares a preliminary list of candidates eligible for inclusion on the Chapter 19 Roster. After consultation with the Senate Committee on Finance and the House Committee on Ways and Means, USTR selects the final list of individuals chosen by the United States for inclusion on the Chapter 19 roster.

Remuneration

Roster members selected for service on a Chapter 19 binational panel will be remunerated at the rate of 800 Canadian dollars per day.

Applications

Eligible individuals who wish to be included on the Chapter 19 roster for the period April 1, 2013, through March 31, 2014, are invited to submit applications. Applications may be submitted either by fax to Sandy McKinzy at 202–395–3640 or electronically to *www.regulations.gov,* docket number USTR–2012–0034.

To submit an application via *www.regulations.gov,* enter docket number USTR–2012–0034 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!.'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''How to Use Regulations.gov'' on the bottom of the page.)

The *www.regulations.gov* site provides the option of providing comments by filling in a ''Type Comment'' field or by attaching a document. USTR prefers applications to be provided in an attached document. If a document is attached, please type ''Application for Inclusion on NAFTA Chapter 19 Roster'' in the ''Upload File'' field.

Applications must be typewritten, and should be headed ''Application for Inclusion on NAFTA Chapter 19 Roster.'' Applications should include the following information, and each section of the application should be numbered as indicated:

1. Name of the applicant.
2. Business address, telephone number, fax number, and email address.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.
9. A list and copies of publications, testimony, and speeches, if any, concerning AD/CVD law. Judges or former judges should list relevant judicial decisions. Only one copy of publications, testimony, speeches, and decisions need be submitted.
10. Summary of any current and past employment by, or consulting or other work for, the Governments of the United States, Canada, or Mexico.
11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 et seq., and the dates of all registration periods.
12. List of proceedings brought under U.S., Canadian, or Mexican AD/CVD law regarding imports of U.S., Canadian, or Mexican products in which the applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian, or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.
13. A short statement of qualifications and availability for service on Chapter 19 panels, including information relevant to the applicant's familiarity with international trade law and willingness and ability to make time commitments necessary for service on panels.
14. On a separate page, the names, addresses, telephone and fax numbers of three individuals willing to provide information concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, judgment, and familiarity with international trade law.

Current Roster Members and Prior Applicants

Current members of the Chapter 19 roster who remain interested in inclusion on the Chapter 19 roster must submit updated applications. Individuals who have previously applied but have not been selected may reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

Public Disclosure

Applications normally will not be subject to public disclosure and will not be posted publicly on *www.regulations.gov.* They may be referred to other federal agencies in the course of determining eligibility for the roster, and shared with foreign governments and the NAFTA Secretariat in the course of panel selection.

False Statements

Pursuant to section 402(c)(5) of the NAFTA Implementation Act, false statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants' suitability for placement on the Chapter 19 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

Paperwork Reduction Act

This notice contains a collection of information provision subject to the Paperwork Reduction Act (''PRA'') that has been approved by the Office of Management and Budget (''OMB''). Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB number. This notice's collection of information burden is only for those persons who wish voluntarily to apply for nomination to the NAFTA Chapter 19 roster. It is expected that the collection of information burden will be under 3 hours. This collection of information contains no annual reporting or record keeping burden. This collection of information was approved by OMB under OMB Control Number 0350–0014. Please send comments regarding the collection of information burden or any other aspect of the information collection to USTR at the above email address or fax number.

Privacy Act

The following statements are made in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a). The authority for requesting information to be furnished is section 402 of the NAFTA Implementation Act. Provision of the information requested above is voluntary; however, failure to provide the information will preclude your consideration as a candidate for the NAFTA Chapter 19 roster. This information is maintained in a system of records entitled ''Dispute Settlement Panelists Roster.'' Notice regarding this system of records was published in the **Federal Register** on November 30, 2001. The information provided is needed, and will be used by USTR, other federal government trade policy officials concerned with NAFTA dispute settlement, and officials of the other NAFTA Parties to select well-qualified individuals for inclusion on the Chapter 19 roster and for service on Chapter 19 binational panels.

William Busis,

Deputy Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2012–25993 Filed 10–19–12; 8:45 am]

BILLING CODE 3290–F3–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice for Van Nuys Airport, Van Nuys, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Los Angeles World Airports, for Van Nuys Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

DATES: *Effective Date:* The effective date of the FAA's determination on the noise exposure maps is October 3, 2012.

FOR FURTHER INFORMATION CONTACT: Victor Globa, Environmental Protection Specialist, Federal Aviation Administration, Los Angeles Airports District Office, Mailing Address: P.O. Box 92007, Los Angeles, California 90009–2007. Street Address: 15000 Aviation Boulevard, Hawthorne, California 90261. Telephone: 310/725–3637

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Van Nuys Airport are in compliance with applicable requirements of 14 Code of Federal Regulations (CFR) Part 150 (hereinafter referred to as ''Part 150''), effective October 3, 2012. Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by Los Angeles World Airports. The documentation that constitutes the ''Noise Exposure Maps'' as defined in section 150.7 of Part 150 includes: Figure 5 VNY Noise Monitor VNY13 (Formerly V7) Location; Figure 7, 2011 Existing Condition Noise Exposure Map; Figure 8, 2016 Five-Year Forecast Condition Noise Exposure Map; Figure 9, FAA Airport Diagram for VNY; Figure 10, Modeled Flight Tracks for Runway 16R and 34L Jet Arrivals; Figure 11, Modeled Flight Tracks for Runway 16R and 34L Jet Departures; Figure 12, Modeled Flight Tracks for Runway 16R and 34L Propeller Arrivals; Figure 13, Modeled Flight Tracks for Runway 16L and 34R Propeller Arrivals; Figure 14, Modeled Flight Tracks for Runway 16R and 34L Propeller Departures; Figure 15, Modeled Flight Tracks for Runway 16L and 34R Propeller Departures; Figure 16, Modeled Flight Tracks for Helicopter Arrivals; Figure 17, Modeled Flight Tracks for Helicopter Departures; Figure 18, Modeled Flight Tracks for Runways 16L/16R Local Patterns; Figure 19, Modeled Flight Tracks for Runways 34L/34R Local Patterns; Table 3, Estimated Compatible, Noncompatible, and Total Dwelling Units and Population within 2011 and 2016 Noise Exposure Map Contours; Table 4, Forecast 2011 Annual Average Day Operations; Table 5, Forecast 2016 Annual Average Day Operations; Table 6, Runway Utilization for Fixed-Wing Aircraft Arrivals and Departures; Table 7, Runway Utilization Rates for Local Pattern Operations; Table 8, Helipad Utilization Rates for Helicopter Arrivals and Departures; Table 9, Fixed-Wing Departure Flight Track Utilization Rates; Table 10, Fixed-Wing Arrival Flight Track Utilization Rates; and, Table 11, Helicopter Flight Track Utilization Rates.

The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on October 3, 2012.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Western-Pacific Region Office, Airports Division, Room 3012, 15000 Aviation Boulevard, Hawthorne, California 90261.

Federal Aviation Administration, Los Angeles Airports District Office, Room 3000, 15000 Aviation Boulevard, Hawthorne, California 90261.

Mr. Scott Tatro, Los Angeles World Airports, Environmental Services Division, 7301 World Way West, 3rd Floor, Los Angeles, California 90045.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California, October 3, 2012.

Mark A. McClardy,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 2012–25888 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2012–41]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before November 13, 2012.

ADDRESSES: You may send comments identified by Docket Number FAA–2012–0970 using any of the following methods:

- *Government-wide rulemaking web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, or Tyneka Thomas (202) 267–7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 10, 2012.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2012–0970.

Petitioner: Desert Aerospace, LLC.

Section of 14 CFR Affected: 14 CFR 61.58.

Description of Relief Sought: Desert Aerospace seeks relief to operate their turbo-jet powered Comp-Let TST–14 glider without completing within the preceding 12 calendar months, a pilot-in-command proficiency check in an aircraft that is type certificated for more than one required pilot flight crewmember or is turbojet-powered, and within the preceding 24 calendar months, complete a pilot-in-command proficiency check in the turbo-jet powered Comp-Let TST–14 glider.

[FR Doc. 2012–25955 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2012–33]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number involved and must be received on or before November 13, 2012.

ADDRESSES: You may send comments identified by Docket Number FAA–2012–0815 using any of the following methods:

- *Government-wide rulemaking web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act

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

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tyneka Thomas ARM–105, (202) 267–7626, FAA, Office of Rulemaking, 800 Independence Ave SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on October 15, 2012.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2012–0815.

Petitioner: Aero Sports Connection, Inc.

Section of 14 CFR Affected: 14 CFR 103.1(e)(1).

Description of Relief Sought: Aero Sports Connection petitioned for an exemption from § 103.1(e)(1) to allow for an increased weight for the installation of proven safety devices like gyroplane pre-rotator systems/starters and gyroplane horizontal stabilizer systems.

[FR Doc. 2012–25951 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7165; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2008–0106; FMCSA–2010–0161; FMCSA–2010–0187]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 17 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective October 22, 2012. Comments must be received on or before November 21, 2012.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [FMCSA–2000–7165; FMCSA–2008–0231; FMCSA–2008–0266; FMCSA–2008–0106; FMCSA–2010–0161; FMCSA–2010–0187], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 17 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 17 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Randall J. Benson (MN)
James D. Drabek, Jr. (IL)
Delone W. Dudley (MD)
Irvin L. Eaddy (SC)
James W. Lappan (KS)
Jeromy W. Leatherman (PA)
Ernest B. Martin (KY)
Mark L. McWhorter (FL)
Raymond C. Miller (AL)
James G. Mitchell (AL)
Dennis E. Palmer, Jr. (CT)
John E. Rains (WA)
James A. Rapp (OH)
Sylvester Silver (VA)
James D. St. Peter (NC)
Michael Sutton (AL)
Brian W. Whitmer (OH)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that

each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 17 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 33406; 65 FR 57234; 67 FR 57266; 69 FR 52741; 71 FR 53489; 73 FR 46973; 73 FR 51689; 73 FR 54888; 73 FR 63047; 75 FR 39725; 75 FR 47883; 75 FR 52063; 75 FR 61883; 75 FR 63257; 75 FR 64396). Each of these 17 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by November 21, 2012.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 17 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: October 9, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–25913 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7165; FMCSA–2000–8398; FMCSA–2004–18885; FMCSA–2008–0266]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective October 27, 2012. Comments must be received on or before November 21, 2012.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [FMCSA–2000–7165; FMCSA–2000–8398; FMCSA–2004–18885; FMCSA–2008–0266], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Exemption Decision

This notice addresses 16 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 16 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Paul G. Albrecht (WI)
David W. Brown (TN)
Monty G. Calderon (OH)
Awilda S. Colon (TN)
Zane G. Harvey, Jr. (VA)
Jeffrey M. Keyser (OH)
Donnie A. Kildow (ID)
Daniel A. McNabb (KS)
David G. Meyers (NY)
Rodney M. Pegg (PA)
Raymond E. Peterson (MN)
Zbigniew P. Pietranik (WI)
John C. Rodriguez (PA)
Terrance L. Trautman (WA)
Charles E. Wood (IA)
Joseph F. Wood (MS)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 33406; 65 FR 57234; 67 FR 57266; 69 FR 52741; 71 FR 53489; 73 FR 46973; 73 FR 51689; 73 FR 54888; 73 FR 63047; 75 FR 39725; 75 FR 47883; 75 FR 52063; 75 FR 61883; 75 FR 63257; 75 FR 64396). Each of these 16 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by November 21, 2012.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 16 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was made on the merits of each case and made only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: October 9, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–25912 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2012–0218]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 28 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective October 22, 2012. The exemptions expire on October 22, 2014.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

Background

On August 29, 2012, FMCSA published a notice of receipt of Federal diabetes exemption applications from 28 individuals and requested comments from the public (77 FR 52384). The public comment period closed on September 28, 2012, and two comments were received.

FMCSA has evaluated the eligibility of the 28 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals With Insulin-Treated Diabetes Mellitus To Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 28 applicants have had ITDM over a range of 1 to 46 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the August 29, 2012, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received two comments in this proceeding. Mr. Lyle Brandstrom stated that he had worked with Daniel John Gladen and is in favor of granting him a Federal Diabetes exemption. According to Mr. Brandstrom, Mr. Gladen is a dedicated and responsible driver.

Mr. Curtus Sherman stated that he had worked with Daniel John Gladen and is in favor of granting him a Federal Diabetes exemption. According to Mr. Sherman, Mr. Gladen is a dedicated and responsible driver.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's

or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 28 exemption applications, FMCSA exempts Anthony J. Annatone (FL), Trevor J. Corley (TX), Shannon K. Ellingsworth (KY), Richard T. Ewell (IL), Norman S. Forsythe (WI), Patrick D. Fortier (MN), Daniel J. Gladen (MN), Walter V. Gruba (VA), Marshall D. Howell (MI), Larry Knox (AK), Roger P. LaFever (WI), Blaze E. Lampman (NY), William R. Lawrence (MT), Duane J. Mullins (WI), Louis R. Noellsch (WA), Darrin W. Pettis (WA), Michael J. Raposa (MA), Jeremy K. Redger (LA), Anthony E. Reed (MO), Earl L. Slater (NY), Keith J. Tavares (MA), Phillip L. Truitt (MD), Gregory H. Tullock (NJ), Michael D. Underwood (AL), Raffaele Vano (NY), Brian D. Weeden (NH), David A. Weinbroer (KY) and Robert J. Westover (WI) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the 1/exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: October 9, 2012.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2012–25911 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in the following locations: Los Angeles County, CA; San Antonio, TX; Prince George's County, MD; and Chicago, IL. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before March 21, 2013.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Human and Natural Environment, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., EDT, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on the project. Contact information for FTA's Regional Offices may be found at *http://www.fta.dot.gov*.

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register**. For example, this notice does not extend the limitation on claims announced for earlier decisions on the Crenshaw/LAX Transit Corridor Project. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Crenshaw/LAX Transit Corridor Project, Los Angeles, CA. *Project sponsor:* Los Angeles County Metropolitan Transportation Authority (LACMTA). *Project description:* The project will extend from the existing Metro Exposition Line at Crenshaw and Exposition Boulevards and travel 8.5 miles to the Metro Green Line's Aviation/LAX Station. The project includes six transit stations, a vehicle maintenance storage facility, park-and-ride lots, traction power substations, and the acquisition of rail vehicles and maintenance equipment. Modifications to the project design have occurred during the preliminary engineering phase to reduce cost, reduce right-of-way impacts, reduce utility impacts, improve light rail transit operations, and improve traffic circulation and pedestrian crossings. The project modifications include a shift in the location of the optional Crenshaw/Vernon Station and Florence/Hindry Station (formerly Manchester/Aviation Station), street/driveway/sidewalk modifications, pedestrian crossing improvements, and a shift of a portion of the alignment into the former Burlington Northern Santa Fe right-of-way. This would require demolition of two railroad bridges and partial acquisitions. This action is on the September 2012 Finding of No Significant Impact. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. More specifically, the statute of limitations for the approvals documented in the project's December 30, 2011 Record of Decision and the environmental documents on which it is based expired on August 6, 2012, as noticed in the **Federal Register** on February 8, 2012 (77 FR 6624). This notice only applies to the actions taken by FTA at this time as described below. *Final agency actions:* no use of Section 4(f) resources; Section 106 finding of no adverse effect; project-level air quality conformity; and

Finding of No Significant Impact (FONSI), dated September 4, 2012. *Supporting documentation:* Supplemental Environmental Assessment, dated July 2, 2012.

2. *Project name and location:* Westside Multimodal Transit Center—Phase II, San Antonio, TX. *Project sponsor:* VIA Metropolitan Transit (VIA). *Project description:* The project will construct a transit plaza on a 2.1-acre tract of land (1 block) to the east of and in close proximity to the site of the first phase of the project, incorporating the Washington Hotel structure that currently exists on the tract. The transit plaza would provide connectivity from the existing city bus system and could provide future high capacity transit corridors and inter-city bus service, Amtrak, taxi, and streetcar service. *Final agency actions:* Determination of *de minimis* impact to one Section 4(f) resource; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated August 24, 2012. *Supporting documentation:* Supplemental Environmental Assessment, dated July 19, 2012.

3. *Project name and location:* JD to Jones Hill Double Tracking, Prince George's County, MD. *Project sponsor:* Maryland Transit Administration. *Project description:* The project will improve a two-mile stretch of railroad between Decatur Street and a point north of Frolich Road. Improvements include construction of a second track, the shifting of the existing track, modification of the existing bridge, construction of an additional railroad bridge deck over the Northeast Branch of the Anacostia River, and other minor associated work. *Final agency actions:* Determination of *de minimis* impact; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated September 28, 2012. *Supporting documentation:* Environmental Assessment, dated June 4, 2012.

4. *Project name and location:* Dan Ryan Track Renewal and Station Improvements Project, Chicago, IL. *Project sponsor:* Chicago Transit Authority (CTA). *Project description:* CTA intends to make track and station improvements along the Dan Ryan Branch of the Red Line, including the replacement of approximately 10.2 miles of double-track alignment between the 16th Street subway portal and 95th Street. Station work includes accessibility upgrades and routine maintenance. Service on the Dan Ryan Branch will be suspended for a five-month period in 2013 during the work period. *Final agency actions:* No use of Section 4(f) resources; Section 106 finding of no historic properties affected; and Finding of No Significant Impact (FONSI), dated September 18, 2012. *Supporting documentation:* Environmental Assessment, dated August 21, 2012.

Issued on: October 16, 2012.

Lucy Garliauskas,

Associate Administrator for Planning and Environment, Washington, DC.

[FR Doc. 2012–25910 Filed 10–19–12; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2012 0099]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before December 21, 2012.

FOR FURTHER INFORMATION CONTACT: Lisa Simmons, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–2321; FAX: 202–366–7901; or E-MAIL: *lisa.simmons@marad.dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title of Collection: Capital Construction Fund and Exhibits.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0027.

Form Numbers: None

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: This information collection consists of an application for a Capital Construction Fund (CCF) agreement under 46 U.S.C. Chapter 535 and annual submissions of appropriate schedules and exhibits. The Capital Construction Fund is a tax-deferred ship construction fund that was created to assist owners and operators of U.S.-flag vessels in accumulating the large amount of capital necessary for the modernization and expansion of the U.S. merchant marine. The program encourages construction, reconstruction, or acquisition of vessels through the deferment of Federal income taxes on certain deposits of money or other property placed into a CCF.

Need and Use of the Information: The collected information is necessary for MARAD to determine an applicant's eligibility to enter into a CCF Agreement.

Description of Respondents: U.S. citizens who own or lease one or more eligible vessels and who have a program to provide for the acquisition, construction or reconstruction of a qualified vessel.

Annual Responses: 143.

Annual Burden: 1790 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *www.regulations.gov.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. *EDT (or EST*), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *www.regulations.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *www.regulations.gov.*

Authority: 49 CFR 1.66.

By Order of the Maritime Administrator.

Dated: October 16, 2012

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2012–25903 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0063]

Highway Safety Programs; Conforming Products List of Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: This notice updates the Conforming Products List (CPL) published in the **Federal Register** on June 25, 2007 (72 FR 34747) for devices that conform to the Model Specifications for Calibrating Units for Breath Alcohol Tester (CUs) dated, June 25, 2007 (72 FR 34742). This update to the CPL includes 44 new listings—3 wet bath units and 41 dry gas units.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Ms. De Carlo Ciccel, Behavioral Research Division, NTI–131, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone: (202) 366–1694. *For legal issues:* Mr. David Bonelli, Office of Chief Counsel, NCC–113, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; Telephone number (202) 366–2580.

SUPPLEMENTARY INFORMATION: On August 18, 1975 (40 FR 36167), the National Highway Traffic Safety Administration (NHTSA) published a standard for Calibrating Units for Breath Alcohol Testers. A Qualified Products List of calibrating units for breath alcohol testers that met the standard was first issued on November 30, 1976 (41 FR 53389).

On December 14, 1984, NHTSA issued a notice to convert the mandatory standards for calibrating units for breath alcohol testers to Model Specifications for such devices (49 FR 48865) and to establish a Conforming Products List (CPL) of calibrating units meeting the Model Specifications. Calibrating units provide known concentrations of ethanol vapor for the calibration or calibration checks of instruments that measure breath alcohol (BrAC).

On December 29, 1994, NHTSA published a notice amending the Model Specifications and updated the CPL for calibrating units (59 FR 67377). That notice also proposed and sought comments about an alternate test procedure using National Institute for Standards and Technology (NIST) Reference Gas Mixtures for evaluating the accuracy and precision of dry-gas ethanol calibrating units. In Appendix A of that notice, NHTSA identified the calibrating units with an asterisk that had been tested and found to conform to the 1984 Model Specifications (49 FR 48864), when tested at alcohol concentrations 0.050, 0.100, and 0.150. All the other calibrating units listed had been tested and found to conform to the 1994 amended Model Specifications (59 FR 67377) when tested at alcohol concentrations 0.000, 0.020, 0.040, 0.080 and 0.160.

The agency amended the Model Specifications on August 13, 1997 by incorporating the NIST test procedure (62 FR 43416). In that same notice, NHTSA updated the CPL and proposed an alternate test procedure for evaluating the accuracy and precision for wet bath and dry gas calibrating units using infra-red spectroscopy. On June 25, 2007, NHTSA adopted an alternate procedure for evaluating wet bath and dry gas calibrating units using infra-red spectroscopy (72 FR 34742). That notice also adds references to the dry gas standards by fixed concentration of ethanol in terms of parts per million (ppm) and tank size in terms of liters (L). In that same notice, NHTSA updated the CPL to include 22 new listings (8 wet bath and 14 dry gas units).

The CPL that appears in today's notice lists calibrating units that have been determined to conform to the current Model Specifications and continues to identify those units found to conform to the 1984 Model Specifications.

The updated CPL includes 44 new calibrating units (3 wet bath and 41 dry gas units). The wet bath units include:

(1) Alcosim, submitted by Alcohol Countermeasure Systems, Toronto, Ontario, Canada;

(2) Model 12V500 submitted by Guth Laboratories, Inc Harrisburg, Pennsylvania; and

(3) Model 3402C-Tandem submitted by RepCo Marketing, Inc., Raleigh, North Carolina.

The dry gas units [1] include:

(4) 105.1 ppm/30 L, 225.8 ppm/30 L, 104 ppm/55 L, 226 ppm/55 L, 274 ppm/55 L, 53.5 ppm/108 L, 224.9 ppm/108 L, 273.8 ppm/108 L, and 316.2 ppm/108 L totaling nine (9) tanks submitted by Airgas, Mid-America, St. Louis, Missouri.

(5) 65.1 ppm/15 L, 130.3 ppm/15 L, 195.4 ppm/15 L, 208.4 ppm/15 L, 390.8 ppm/15 L, 65.1 ppm/34 L, 130.3 ppm/34 L, 195.4 ppm/34 L, 208.4 ppm/34 L, 260.5 ppm/34 L, 390.8 ppm/34 L, 260.5 ppm/105 L, and 260.5 ppm/116 L totaling 13 tanks submitted by Air Liquide CALGAZ, Cambridge, Maryland.

(6) 104 ppm/34 L, 208 ppm/34 L, 223 ppm/34 L, 260 ppm/34 L, 52 ppm/67 L, 103.5 ppm/67 L, 209 ppm/67 L, 260 ppm/67 L, 103.5 ppm/105 L, 208 ppm/105 L, 223 ppm/105 L, 260 ppm/105 L, 273 ppm/105 L, 52 ppm/108 L, 209 ppm/108 L, 103.5 ppm/110 L, 208 ppm/110 L, 223 ppm/110 L, and 260 ppm/110 L totaling 19 tanks submitted by ILMO Specialty Gas Products, Jacksonville, Illinois.

This notice also removes nine (9) manufacturers of fourteen (14) CUs from the CPL whose products are discontinued or no longer sold or supported by the manufacturer. In some cases, the manufacturer no longer exists or expressed an interest in removing their unit(s) from the CPL. In one case, a unit was previously produced by one manufacturer and is now being supported by another manufacturer. This unit will not be removed from the CPL, but it will be listed only under the manufacturer that is currently supporting it. The manufacturers and units being removed include:

(1) Davtech Analytical Services, Canada, and its CALWAVE dT–100 unit;

(2) Intoximeters, Inc., St. Louis, Missouri, and its Alco Breath Alcohol Standards unit;

(3) Luckey Laboratories, San Bernardino, California, and its Simulator unit;

(4) PLD of Florida, Inc., Rockledge, Florida, and its BA 500 unit;

(5) Protection Devices, Inc., U.S. Alcohol Testing, Inc., Rancho Cucamonga, California, and its LS34 Model 6100 unit;

(6) Scott Specialty Gases, Inc., Plumsteadville, Pennsylvania, and its Model EBS™ Gaseous Ethanol Breath Standard, Scotty 28 0.040 BAC/28L, Scotty 28 0.045 BAC/28L, Scotty 28 0.080 BAC/28L, Scotty 28 0.100 BAC/28L and Scotty 28 0.105 BAC/28L units;

(7) Smith & Wesson Electronic Co., Springfield, Massachusetts is being removed from the CPL. However, its Mark II–A Simulator continues to be supported and maintained by National Draeger, Inc., Colorado. This unit will continue to be listed under National Draeger.

[1] The naming convention of the dry gas units added to the CPL today is illustrative of the ethanol concentration in the volume of nitrogen dry gas. Concentration is expressed in parts per million (ppm) or marketed as breath alcohol concentrations (BAC) and volume is expressed in Liters (L).

(8) Systems Innovation, Inc., Hallstead, Pennsylvania and its True-Test MD 901 unit; and

(9) U.S. Alcohol Testing, Cucamonga, California and its Alco-Simulator 2000 and Alco-Simulator 61000 units.

The other change today is an update to the listing for Liquid Technology Corp., Orlando, Florida, which expands Ethanol-in-Nitrogen to specify that the unit includes a 105 Liter tank with alcohol concentrations of 104.3 to 219 ppm.

Consistent with the paragraphs above, NHTSA updates the Conforming Products List of Calibrating Units for Breath Alcohol Testers (Manufacturer and Calibrating Unit) [2] to read as follows:

CONFORMING PRODUCTS LIST OF CALIBRATING UNITS FOR BREATH ALCOHOL TESTERS

Manufacturers/Name of units	Type of device	
	Dry gas	Wet bath
1. Airgas, Inc. (Formerly known as: Gateway Airgas, AG Specialty Gas, or Acetylene Gas Co.), St. Louis, MO		
Ethanol in Nitrogen Breath Alcohol Standards		
• 105.1 ppm/30 liters (L)	X	
• 225.8 ppm/30 L	X	
• 270 ppm/30 L	X	
• 104 ppm/55 liters L	X	
• 226 ppm/55 liters L	X	
• 274 ppm/55 liters L	X	
• 53.5 ppm/108 L	X	
• 103 ppm/108 L	X	
• 224.9 ppm/108 L	X	
• 273.8 ppm/108 L	X	
• 316.2 ppm/108 L	X	
2. Air Liquide CALGAZ, Cambridge, MD		
Ethanol in Nitrogen Breath Alcohol Standards		
• 65.1 ppm/15 L	X	
• 130.3 ppm/15 L	X	
• 195.4 ppm/15 L	X	
• 208.4 ppm/15 L	X	
• 260.5 ppm/15 L	X	
• 390.8 ppm/15 L	X	
• 65.1 ppm/34 L	X	
• 115 ppm/34 L	X	
• 130.3 ppm/34 L	X	
• 195.4 ppm/34 L	X	
• 208.4 ppm/34 L	X	
• 230 ppm/34 L	X	
• 260.5 ppm/34 L	X	
• 390.8 ppm/34 L	X	
• 260.5 ppm/58 L	X	
• 115 ppm/105 L	X	
• 230 ppm/105 L	X	
• 260.5 ppm/105 L	X	
• 260.5 ppm/116 L	X	
• 260.5 ppm/537 L	X	
3. Alcohol Countermeasure Systems, Toronto, Ontario, Canada		
• Alcosim		X
4. CMI, Inc., Owensboro, KY		
• Toxitest II		X
5. Guth Laboratories, Inc., Harrisburg, PA		
• Model 34C Simulator		X
(variations: Model 34C Cal DOJ, 34–C–FM, and 34C–NPAS)		X
• Model 3412		X
• Model 10–4 and 10–4D		X
• Model 10–4D Revision A		X
• Model 1214		X
• Model 2100 (formerly Model 210021)		X
• Model 2100 Revision A		X
• 590		X
• 12V500		X
6. ILMO Specialty Gas Products, Jacksonville, IL		
Ethanol in Nitrogen Standards		
• 104 ppm/34 L	X	
• 208 ppm/34 L	X	
• 223 ppm/34 L	X	
• 260 ppm/34 L	X	
• 52 ppm/67 L	X	
• 103.5 ppm/67 L	X	
• 209 ppm/67 L	X	

[2] Infra-red (IR) and fuel cell breath testers may be calibrated with either wet-bath or dry-gas CUs. However, it is inadvisable to use dry gas CUs when calibrating gas chromatograph EBTs.

CONFORMING PRODUCTS LIST OF CALIBRATING UNITS FOR BREATH ALCOHOL TESTERS—Continued

Manufacturers/Name of units	Type of device	
	Dry gas	Wet bath
• 260 ppm/67 L	X	
• 103.5 ppm/105 L	X	
• 208 ppm/105 L	X	
• 223 ppm/105 L	X	
• 260 ppm/105 L	X	
• 273 ppm/105 L	X	
• 52 ppm/108 L	X	
• 209 ppm/108 L	X	
• 103.5 ppm/110 L	X	
• 208 ppm/110 L	X	
• 223 ppm/110 L	X	
• 260 ppm/110 L	X	
7. Lion Laboratories, Cardiff, Wales, UK (a subsidiary of CMI, Inc.)		
• AlcoCal Breath Alcohol Standard	X	
8. Liquid Technology Corp., Orlando, FL		
• Ethanol-in-Nitrogen Standards 104.3 to 219 ppm/105 L	X	
9. National Draeger, Inc., Durango, CO		
• Mark II–A Simulator* (formerly Smith & Wesson)		X
• Alcotest CU 34		X
10. RepCo Marketing, Inc., Raleigh, NC		
• AS–1		X
• Model 3402C		X
• Model 3402C–2K		X
• 3402C-Tandem		X

*(This instrument met the Model Specifications in 49 FR 48864 (December 14, 1984), i.e. tested at 0.050, 0.100, and 0.150). Instruments not marked with an asterisk meet the Model Specifications in 72 FR 32742 (June 25, 2007), tested at 0.020, 0.040, 0.080, and 0.160 BrAC.

Authority: 23 U.S.C. 403; 49 CFR 1.50; 49 CFR part 501.

Issued on: October 17, 2012.

Jeff Michael,

Associate Administrator, Research and Program Development, National Highway Traffic Safety Administration.

[FR Doc. 2012–25915 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2012–0170, Notice No. 12–7]

Safety Advisory: Unauthorized Marking of Compressed Gas Cylinders

AGENCY: Pipeline and hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Safety Advisory Notice.

SUMMARY: PHMSA is issuing this safety advisory to notify the public of the unauthorized marking of high pressure compressed gas cylinders by George Welding & Supply Co., Inc. located at 205 Tombs Lane, Montoursville, PA.

FOR FURTHER INFORMATION CONTACT: Mitchell Brown, Hazardous Materials Investigator, Eastern Region, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 820 Bear Tavern Road, Suite 306, West Trenton, NJ 08034. Telephone: (609) 989–2256, Fax: (609) 989–2277 or, via email: *mitchell.brown@dot.gov*.

SUPPLEMENTARY INFORMATION: Investigators from PHMSA's Office of Hazardous Materials Safety (OHMS) recently conducted a compliance inspection of George Welding & Supply Co., Inc. As a result of that inspection, PHMSA has determined that George Welding & Supply Co., Inc. marked an unknown number of high pressure compressed gas cylinders with unauthorized Requalifier Identification Numbers (RIN). In addition, the evidence suggests that George Welding & Supply Co., Inc. marked and certified an unknown number of high pressure compressed gas cylinders as being properly requalified in accordance with the Hazardous Materials Regulations (HMR) when it had not conducted the testing prescribed by the HMR. PHMSA has no record that George Welding & Supply Co., Inc. was ever approved to requalify DOT-specification cylinders or mark such cylinders as being requalified.

The evidence suggests that George Welding & Supply Co., Inc. used RINs that were issued by PHMSA to other companies authorizing cylinder requalification. The companies whose RINs were used without authorization are: C171—Proshield Fire Protection, Waterloo, IA; C004—Swartz Fire & Safety Equipment Co., Inc., Bellefonte, PA; C411—Advanced Fire Protection Services, Inc., Ft. Walton Beach, FL; C951—Peifer's Fire Protection, Inc., Pillow, PA; D477—NASCO, Colorado Springs, CO; D575—Sea Sports, Inc., Hyannis, MA; D576—Chenango Welding Supply, LLC; A101—Airgas North Central, Waterloo, IA; and D322—Allstate Fire Equipment Co. Each of the previously indicated companies with an authorized RIN has been granted authority to requalify cylinders under the terms of the RIN supplied to them. Thus, if cylinders were serviced by the aforementioned companies, they are not subject to this notice. Only cylinders serviced by George Welding & Supply Co., Inc. baring these markings are affected.

A cylinder requalification consisting of a visual inspection and a hydrostatic test, conducted as prescribed in the HMR, is used to verify the structural integrity of a cylinder. If the requalification is not performed in accordance with the HMR, a cylinder with compromised structural integrity may be inadvertently returned to service when it should be condemned. Extensive property damage, serious personal injury, or death could result from rupture of a cylinder.

If cylinders have been taken to or received from George Welding & Supply Co., Inc., between calendar years 2001 through 2012, these cylinders may not have been properly tested as prescribed by the HMR. These cylinders should be considered unsafe and unauthorized for the filling of hazardous material, unless and until the cylinder is first tested properly by an individual or company authorized to requalify DOT specification cylinders. Cylinders described in this safety advisory that are filled with an atmospheric gas should be vented or otherwise safely discharged. Cylinders that are filled with a material other than an atmospheric gas should not be vented but instead should be safely discharged. Prior to refilling, the cylinders must be taken to a DOT-authorized cylinder requalifier to ensure their suitability for continued service. A list of authorized requalifiers may be obtained at this Web site: *http://www.phmsa.dot.gov/hazmat/regs/sp-a/approvals/cylinders*.

Issued in Washington, DC, on October 16, 2012.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2012–25870 Filed 10–19–12; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice and Request for Comments

AGENCY: Surface Transportation Board, DOT.

ACTION: 30-day notice of intent to seek extension of approval: Waybill Compliance Survey.

SUMMARY: The Surface Transportation Board (Board), as part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* (PRA), is submitting a request to the Office of Management and Budget (OMB) for renewed approval for the Waybill Compliance Survey. The Board previously published a notice about this collection in the **Federal Register** on May 9, 2012, at 77 FR 27279. That notice allowed for a 60-day public review and comment period. No comments were received. The Waybill Compliance Survey is described in detail below. Comments may now be submitted to OMB concerning (1) the accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether this collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility.

Description of Collection

Title: Waybill Compliance Survey.
OMB Control Number: 2140–0010.
STB Form Number: None.
Type of Review: Reinstatement without change of a previously approved collection.
Respondents: Regulated railroads that did not submit carload waybill sample information to the STB in the previous year.
Number of Respondents: 120.
Estimated Time per Response: .5 hours.
Frequency: Annually.
Total Burden Hours (annually including all respondents): 60.
Total ''Non-hour Burden'' Cost: No ''non-hour cost'' burdens associated with this collection have been identified.
Needs and Uses: The ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803 (1995), which took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred to the STB the responsibility for the economic regulation of common carrier rail transportation, including the collection and administration of the Carload Waybill Sample. Under 49 CFR part 1244, a railroad terminating 4500 or more carloads, or terminating at least 5% of the total revenue carloads that terminate in a particular state, in any of the three preceding years, is required to file carload waybill sample information (Waybill Sample) for all line-haul revenue waybills terminating on its lines. The information in the Waybill Sample is used to monitor the rail industry in general, and the nature and quantities of goods being shipped by rail in particular. The Board needs to collect information in the Waybill Compliance Survey—information on carloads of traffic terminated each year by U.S. railroads—in order to determine which railroads are required to file the Waybill Sample. In addition, information collected in the Waybill Compliance Survey, on a voluntary basis, about the total operating revenue of each railroad helps to determine whether respondents are subject to other statutory or regulatory requirements. Accurate determinations regarding the size of a railroad helps the Board minimize the reporting burden for smaller railroads. The Board has authority to collect this information under 49 U.S.C. 11144 and 11145 and under 49 CFR 1244.2.

DATES: Comments on this information collection may be submitted by November 21, 2012.

ADDRESSES: Written comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Patrick Fuchs, Surface Transportation Board Desk Officer, by fax at (202) 395–5167; by mail at OMB, Room 10235, 725 17th Street NW., Washington, DC 20500; or by email at *OIRA_SUBMISSION@OMB.EOP.GOV* should be identified as ''Statutory Authority to Preserve Rail Service.'' When submitting comments, please refer to ''Paperwork Reduction Act Comments, Surface Transportation Board, Waybill Compliance Survey, OMB control number 2140–0010.''

For Further Information or to Obtain a Copy of the STB Form, Contact: Paul Aguiar at (202) 245–0323 or *aguiarp@stb.dot.gov.* Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Under the PRA, a Federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: October 16, 2012.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2012–25818 Filed 10–19–12; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 30186]

Tongue River Railroad Company, Inc.—Rail Construction and Operation—in Custer, Powder River and Rosebud Counties, MT

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement; Notice of Availability of the Draft Scope of Study for the Environmental Impact Statement; Notice of Scoping Meetings; and Request for Comments on Draft Scope.

SUMMARY: On October 16, 2012, Tongue River Railroad Company, Inc. (TRRC) filed a revised application with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10901 in Docket No. FD 30186. TRRC intends to construct and operate an approximately 80-mile rail line between Miles City, Montana, and two ending points, one near the site of the previously planned Montco mine near Ashland, Montana, and another at the proposed Otter Creek mine in the Otter Creek area east of Ashland, Montana. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Office of Environmental Analysis (OEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The purpose of this Notice of Intent is to notify stakeholders—including members of the public; Tribes; federal, state, and local agencies; environmental groups; and potential shippers—interested in or potentially affected by the proposed project of the decision to prepare an EIS. OEA will hold public scoping meetings as part of the NEPA process. Oral and written comments submitted during scoping will assist OEA in defining the range of actions, alternatives, and impacts to be considered in the EIS. To begin the scoping process, OEA has developed a Draft Scope of Study for the EIS for review and comment. Public meeting dates and locations, along with the Draft Scope of Study, are provided below.

Background

In 1986, the Board's predecessor agency, the Interstate Commerce Commission (ICC) gave approval to TRRC to build and operate an 89-mile rail line between Miles City, Montana, and two termini located near Ashland, Montana, a proceeding known as *Tongue River I.*[1] The purpose of the line was to serve new coal mines in the Ashland area. In 1996, the Board authorized TRRC to build a contiguous 41-mile rail line from Ashland to Decker, Montana, in *Tongue River II.*[2] In 2007, the Board authorized TRRC to build and operate the Western Alignment, a 17.3-mile alternate route for a portion of the route already approved in *Tongue River II* in a proceeding known as *Tongue River III.*[3] The ICC/Board's environmental staff, now OEA, prepared EISs in all three proceedings.

Petitions for review of the last two decisions, *Tongue River II* and *Tongue River III,* were filed in the United States Court of Appeals for the Ninth Circuit, and, in 2011, the court affirmed in part, and reversed and remanded in part, those decisions for additional environmental review.[4] The court's decision requires the Board to revisit the environmental analysis for *Tongue River I* because the Board had conducted a cumulative impacts analysis for the entire line in *Tongue River III* and made the resulting mitigation conditions applicable to the entire line in its *Tongue River III* decision. TRRC then informed the Board that it no longer intended to build the *Tongue River II* and *Tongue River III* portions of the railroad.

On June 18, 2012, the Board issued a decision dismissing the *Tongue River II* and *Tongue River III* proceedings and reopening *Tongue River I.*[5] As explained in more detail in that decision (which is available on the Board's Web site at www.stb.dot.gov), the Board required TRRC to file a revised application that presents the railroad's current plans to build a rail line between Miles City and Ashland, Montana. In addition, the Board decided to conduct a new environmental review rather than a supplemental environmental review based on the three prior environmental reviews that began in the 1980s. The Board found that a new EIS (including a new scoping process) is appropriate given the passage of time since *Tongue River I* was decided, the railroad's failure to begin construction of any part of this railroad and other changes that have taken place, the nature of the court's partial remand, and the fact that most of the Board's more recent environmental analysis pertains to *Tongue River II* or *Tongue River III,* neither of which the railroad still proposes to build. The Board also stated that a new EIS will encourage and facilitate public participation.[6]

TRRC filed its revised application on October 16, 2012. This Notice of Intent initiates the new EIS process and scoping for this case.

Dates and locations: The public scoping meetings will be held at the following locations on the dates listed:

- November 12, 2012, 2–4 p.m. & 6–8 p.m. at the Charging Horse Casino, Bingo Hall, ½ Mile E Lame Deer Highway 212, Lame Deer, MT 59043.
- November 13, 2012, 2–4 p.m. & 6–8 p.m. at the Rosebud County Library, 201 North 9th Avenue, Forsyth, MT 59327.
- November 14, 2012, 2–4 p.m. & 6–8 p.m. at the St. Labre Indian School Auditorium, 1000 Tongue River Road, Ashland, MT 59003.
- November 15, 2012, 2–4 p.m. & 6–8 p.m. at the Elks Lodge #537, 619 Pleasant Street, Miles City, MT 59301.

The scoping meetings will be held in an open house format for the first hour with the second hour comprised of a brief presentation by OEA followed by public comments. The meeting locations comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*). Persons that need special accommodations should telephone OEA's toll-free number for the project at 1–866–622–4355.

Interested parties are invited to submit written comments on the Draft Scope of Study, potential alternative routes for the proposed rail line, and other environmental issues and concerns by December 6, 2012, to assure full consideration during the scoping process. OEA will issue a Final Scope of Study after the close of the scoping comment period.

Summary of the Board's Environmental Review Process: The NEPA process is intended to assist the Board and the public in identifying and assessing the potential environmental

[1] *Tongue River R.R.—Rail Construction and Operation—In Custer, Powder River and Rosebud Cntys., Mont.* (*Tongue River I*), FD 30186 (ICC served Sept. 4, 1985), *modified* (ICC served May 9, 1986), *pet. for judicial review dismissed, N. Plains Res. Council* v. *ICC,* 817 F.2d 758 (9th Cir.), *cert. denied,* 484 U.S. 976 (1987).

[2] *Tongue River R.R.—Rail Construction and Operation—Ashland to Decker, Mont.* (*Tongue River II*), 1 S.T.B. 809 (1996), *pet. for reconsid. denied* (STB served Dec. 31, 1996).

[3] *Tongue River R.R.—Rail Construction and Operation—Ashland to Decker, Mont.* (*Tongue River III*), FD 30186 (Sub-No. 3) (STB served Oct. 9, 2007), *pet. for reconsid. denied* (STB served Mar. 13, 2008).

[4] *See N. Plains Res. Council* v. *STB,* 668 F.3d 1067 (9th Cir. 2011).

[5] *Tongue River R.R.—Rail Constr. & Operation—In Custer, Powder River & Rosebud Cntys., Mont.,* FD 30186 *et al.* (STB served June 18, 2012).

[6] *Id.* at 9–10.

consequences of a proposed action before a decision on the proposed action is made. OEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. As part of the scoping process, OEA has developed, and has made available for public comment in this notice, a Draft Scope of Study for the EIS. Scoping meetings will be held in the project area to provide further opportunities for public involvement and input during the scoping process.

In addition to comments on the Draft Scope of Study, interested parties are also encouraged to comment on potential routes for the proposed project. TRRC's application included an approximately 80-mile alignment similar to the one permitted in 1986 in *Tongue River I.* TRRC has made what it calls ''minor curve adjustments'' to this alignment, which include moving the rail centerline slightly further from the Miles City Fish Hatchery and straightening the rail line in the Otter Creek area.[7] OEA is interested in scoping comments on potential alternatives to TRRC's proposed alignment, including, at a minimum, those analyzed in the EIS in *Tongue River I.* Those alternatives included:

- *Tongue River Road Alternative*—This route would depart Miles City along the 1986 proposed route, and continue along that route to a point just north of Pumpkin Creek. There it crosses the Tongue River, turns south and continues along the east side of the river to join the proposed route about 10 miles north of Ashland.
- *Moon Creek Alternative*—This route would leave Miles City, following the old Milwaukee Road alignment to the west, crossing the Yellowstone River and following the north bank for about 8 miles. Here, the route would again cross the Yellowstone and follow the east side of Moon Creek to the divide separating the Tongue and Yellowstone River drainages. From there, the route would descend to the Tongue River Valley floor and join the proposed route about 14 miles south of Miles City. This route would cross the western edge of the Fort Keogh United States Department of Agriculture (USDA) Agriculture Research Service (ARS) rangeland beef cattle research facility.
- *Colstrip Alternative*—This route would leave the existing Cow Creek branch of BNSF at Colstrip, crossing Cow Creek and Rosebud Creek as it heads south and east, following the Greenleaf Creek valley to the Rosebud Creek/Tongue River divide. From there it descends into the Tongue River valley and joins the proposed route at the Tongue River crossing north of Ashland.

At the conclusion of the scoping and comment period, OEA will issue a Final Scope of Study for the EIS.

After issuing the Final Scope of Study, OEA will prepare a Draft EIS for the project. The Draft EIS will address the environmental issues and concerns identified during the scoping process and assess and compare potential alternatives. It will also contain OEA's preliminary recommendations for environmental mitigation measures. The Draft EIS will be made available upon its completion for review and comment by the public, government agencies, and other interested parties. OEA will prepare a Final EIS that considers comments on the Draft EIS. In reaching its decision in this case, the Board will take into account the Draft EIS, the Final EIS, and all environmental comments that are received.

OEA has invited several agencies to participate in this EIS process as cooperating agencies on the basis of their special expertise or jurisdiction by law. These agencies include: The U.S. Army Corps of Engineers (Corps); the Department of the Interior (DOI), Bureau of Land Management (BLM); USDA; and the Montana Department of Natural Resources and Conservation (MT DNRC). OEA is also initiating government-to-government consultation with potentially affected tribes, including the Northern Cheyenne, the Crow, and several bands of the Great Sioux Nation.

Filing Environmental Comments: Scoping comments submitted by mail should be addressed to: Ken Blodgett, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, Attention: Environmental filing, Docket No. FD 30186.

Scoping comments may also be filed electronically on the Board's Web site, *http://www.stb.dot.gov,* by clicking on the ''E–FILING'' link.

Please refer to Docket No. FD 30186 in all correspondence, including e-filings, addressed to the Board.

Scoping Comments are due by December 06, 2012.

FOR FURTHER INFORMATION CONTACT: Ken Blodgett, Office of Environmental Analysis, Surface Transportation Board, 395 E Street SW., Washington, DC 20423, or call OEA's toll-free number for the project at 1–866–622–4355. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. The Web site for the Board is *www.stb.dot.gov.* Project specific information on the Board's Web site may be found by placing your cursor on the ''Environmental Matters'' button, then clicking on the ''Key Cases'' button in the drop down menu. For further information about the Board's environmental review process and this EIS, you may also visit a Board-sponsored project Web site at *www.tonguerivereis.com.*

Draft Scope of Study for the EIS

Purpose and Need

As described in TRRC's application, the principal purpose of the construction and operation of TRRC's proposed rail line is to transport low sulfur, sub-bituminous coal from the proposed mine sites in Rosebud and Powder River Counties, Montana, including the proposed mines in the Otter Creek area.[8]

The proposed transaction involves an application by TRRC for a license or approval from the Board. The proposed transaction is not a Federal government-proposed or sponsored project. Thus, the project's purpose and need should be informed by both the private applicant's goals and the agency's enabling statute here, 49 U.S.C. 10901. Section 10901 provides that the Board must approve a construction application unless it finds that the construction is ''inconsistent with the public convenience and necessity.''

Proposed Action and Alternatives

The proposed rail line would extend from Miles City, Montana, to Ashland/Otter Creek, Montana. It would consist of a single track constructed of continuous-welded rail. Other major elements of the proposed project would include a 200-foot-wide right-of-way; crossings of local roads, streams, trails, and utility corridors; two passing sidings one near Milepost 27 and the other near Milepost 46; and ancillary facilities, including six set-out racks between 500 and 4000 feet in length to provide for temporary storage of cars requiring repair and for storage of maintenance equipment.[9]

The anticipated train traffic between Miles City and Ashland on the proposed rail line would consist of 26 round trips per week, or 3.7 loaded unit coal trains daily on average, with 7.4 trains per day total (empty and loaded).[10] The EIS will analyze and compare the potential impacts of (1) construction and

[7] TRRC Application at 3.

[8] *Id.*

[9] *Id.* at 13.

[10] *Id.* Exhibit D at 2.

operation of the proposed rail line, (2) all reasonable and feasible alternative routes, and (3) the no-action alternative (denial of the application).

Environmental Impact Analysis

Proposed New Construction and Operation

Analysis in the EIS will address the proposed activities associated with the construction and operation of new rail facilities and their potential environmental impacts, as appropriate.

Impact Categories

The EIS will analyze potential direct, indirect, and cumulative impacts [11] for TRRC's proposed construction and operation and each reasonable and feasible alternative on the human and natural environment, or in the case of the no-action alternative, the lack of these activities. Impact areas addressed will include the categories of transportation systems, safety, land use, recreation, biological resources, water resources, including wetlands and other waters of the U.S., navigation, geology and soils, air quality, noise, energy resources, socioeconomics as they relate to physical changes in the environment, cultural and historic resources, aesthetics and environmental justice. Other categories of impacts may also be included as a result of comments received during the scoping process or on the Draft EIS. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential direct, indirect impacts, and cumulative impacts of TRRC's proposed route and each reasonable and feasible alternative on each category as described below:

1. Transportation Systems

The EIS will:

a. Evaluate the potential impacts resulting from TRRC's proposed route and each alternative on the existing transportation network in the project area.

b. Propose mitigative measures to minimize or eliminate potential project impacts to transportation systems, as appropriate.

2. Safety

The EIS will:

a. Describe existing road/rail grade crossing safety and analyze the potential for an increase in accidents related to the proposed new rail operations, as appropriate.

b. Describe existing rail operations and analyze the potential for increased probability of train accidents, as appropriate.

c. Evaluate the potential for disruption and delays to the movement of emergency vehicles.

d. Propose mitigative measures to minimize or eliminate potential project impacts to safety, as appropriate.

3. Land Use

The EIS will:

a. Evaluate potential impacts of TRRC's proposed route and each alternative on existing land use patterns within the project area and identify those land uses that would be potentially impacted by the proposed new rail line construction.

b. Analyze the potential impacts associated with each alternative to land uses identified within the project area. Such potential impacts may include incompatibility with existing land use and conversion of land to railroad use.

c. Propose mitigative measures to minimize or eliminate potential impacts to land use, as appropriate.

4. Recreation

The EIS will:

a. Evaluate existing conditions and the potential impacts of TRRC's proposed route and each alternative, and their operation, on recreational trails, and other recreational opportunities provided in the project area.

b. Propose mitigative measures to minimize or eliminate potential project impacts on recreational opportunities, as appropriate.

5. Biological Resources

The EIS will:

a. Evaluate the existing biological resources within the project area, including vegetative communities, wildlife, fisheries, wetlands, and federal and state threatened or endangered species, and analyze the potential impacts to these resources resulting from each alternative.

b. Describe any wildlife sanctuaries, refuges, national or state parks, forests, or grasslands, and evaluate the potential impacts to these resources resulting from TRRC's proposed route and each alternative.

c. Propose mitigative measures to avoid, minimize, or compensate for potential impacts to biological resources, as appropriate.

6. Water Resources

The EIS will:

a. Describe the existing surface water and groundwater resources within the project area, including lakes, rivers, streams, stock ponds, wetlands, and floodplains and analyze the potential impacts on these resources resulting from TRRC's proposed route and each alternative.

b. Describe the permitting requirements for the various alternatives with regard to wetlands, stream and river crossings, water quality, floodplains, and erosion control.

c. Propose mitigative measures to avoid, minimize, or compensate for potential project impacts to water resources, as appropriate.

7. Navigation

The EIS will:

a. Identify existing navigable waterways within the project area and analyze the potential impacts on navigability resulting from TRRC's proposed route and each alternative.

b. Describe the permitting requirements for the various alternatives with regard to navigation.

c. Propose mitigative measures to minimize or eliminate potential impacts to navigation, as appropriate.

8. Geology and Soils

The EIS will:

a. Describe the geology, soils and seismic conditions found within the project area, including unique or problematic geologic formations or soils, prime farmland, and hydric soils, and analyze the potential impacts on these resources resulting from TRRC's proposed route and each alternative.

b. Evaluate potential measures employed to avoid or construct through unique or problematic geologic formations or soils.

c. Propose mitigative measures to minimize or eliminate potential project impacts to geology and soils, as appropriate.

9. Air Quality

The EIS will:

a. Evaluate the air emissions from the potential operation of trains on the TRRC rail line, including potential greenhouse gas emissions and coal dust, as appropriate.

b. Evaluate the potential air quality impacts resulting from new rail line construction activities.

c. Propose mitigative measures to minimize or eliminate potential project impacts to air quality, as appropriate.

10. Noise and Vibration

The EIS will:

a. Describe the potential noise and vibration impacts during new rail line

[11] NEPA requires the Board to consider direct, indirect, and cumulative impacts. Direct and indirect impacts are both caused by the action. 40 CFR 1508.8(a)–(b). A cumulative impact is the ''incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions.'' 40 CFR 1508.7.

construction resulting from TRRC's proposed route and each alternative.

b. Describe the potential noise and vibration impacts of new rail line operation resulting from each alternative.

c. Propose mitigative measures to minimize or eliminate potential project impacts to sensitive noise receptors, as appropriate.

11. Energy Resources

The EIS will:

a. Describe and evaluate the potential impact of the proposed new rail line on the distribution of energy resources in the project area resulting from TRRC's proposed route and each alternative, including petroleum and gas pipelines and overhead electric transmission lines.

b. Propose mitigative measures to minimize or eliminate potential project impacts to energy resources, as appropriate.

12. Socioeconomics

The EIS will:

a. Analyze the effects of a potential influx of construction workers to the project area and the potential increase in demand for local services interrelated with natural or physical environmental effects.

b. Propose mitigative measures to minimize or eliminate potential project-related adverse impacts to social and economic resources, as appropriate.

13. Cultural and Historic Resources

The EIS will:

a. Identify historic building, structures, sites, objects or districts, eligible for listing on or listed on the National Register of Historic Places within the area of potential effects for TRRC's proposed route and each alternative (built-environment historic properties) and analyze potential project impacts to them.

b. Identify properties of traditional religious and cultural importance to Indian Tribes (TCPs) and prehistoric or historic archaeological sites evaluated as potentially eligible, eligible, or listed on the National Register of Historic Places (archaeological historic properties) within the area of potential effects for TRRC's proposed route and each alternative, and analyze potential project impacts to them.

c. Propose measures to avoid, minimize, or mitigate potentially adverse project impacts to TCPs and built-environment, archaeological historic properties, and cultural and historic resources, as appropriate.

14. Aesthetics

The EIS will:

a. Describe the potential impacts of the proposed new rail line construction on any areas identified or determined to be of high visual quality.

b. Describe the potential impacts of the proposed new rail line construction on any waterways considered for or designated as wild and scenic.

c. Propose mitigative measures to minimize or eliminate potential project impacts on aesthetics, as appropriate.

15. Environmental Justice

The EIS will:

a. Evaluate the potential impacts resulting from TRRC's proposed route and each alternative on local and regional minority and low-income populations.

b. Propose mitigative measures to minimize or eliminate potential project impacts on environmental justice populations, as appropriate.

Decided: October 17, 2012.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2012–25944 Filed 10–19–12; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Federal Deposit Insurance Corporation

National Credit Union Administration

Agency Information Collection Activities: Proposed Information Collection; Comment Request

AGENCIES: Office of the Comptroller of the Currency, Treasury (OCC); Federal Deposit Insurance Corporation (FDIC); and National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The OCC FDIC, and NCUA (collectively, the ''Agencies''), as part of continuing efforts to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on a new information collection. Under the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid control number issued by the Office of Management and Budget. The Agencies are soliciting comment concerning a proposed collection method entitled ''Interagency Appraisal Complaint Form.''

DATES: Comments must be received by December 21, 2012.

ADDRESSES: *OCC:* Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 2–3, Attention: 1557–NEW, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–5274, or by electronic mail to *regs.comments@occ.treas.gov.* You may inspect and photocopy the comments at the OCC, 250 E Street, SW., Washington, DC 20219. You may make an appointment to inspect the comments by calling (202) 874–4700.

Additionally, you should send a copy of your comments to OCC Desk Officer, 1557–NEW, by mail to U.S. Office of Management and Budget, 725, 17th Street NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

FDIC: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Web site: http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivered/Courier:* The guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.
- *Email: comments@FDIC.gov.*

Instructions: Comments submitted must include ''FDIC'' and ''Interagency Appraisal Complaint Form.'' Comments received will be posted without change to *http://www.FDIC.gov/regulations/laws/federal/notices.html,* including any personal information provided.

NCUA: Interested parties are invited to submit written comments to both the NCUA PRA Contact and OMB Reviewer listed here:

- *NCUA PRA Contact:* Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, or Email: *OCIOmail@ncua.gov;* and
- *OMB Contact:* Office of Management and Budget; ATTN: Desk Officer for NCUA; Office of Information and Regulatory Affairs, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: You may request additional information or a copy of the collection from:

OCC: Johnny Vilela or Mary H. Gottlieb, OCC Clearance Officers, (202)

874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219.

FDIC: Beverlea S. Gardner, Senior Examination Specialist, Risk Management Section, at (202) 898–3640, Sumaya A. Muraywid, Examination Specialist, Risk Management Section, at (573) 875–6620, Richard Foley, Counsel, Legal Division, at (202) 898–3784, Mark Mellon, Counsel, Legal Division, at (202) 898–3884, or 550 17th St NW., Washington, DC 20429.

NCUA: Laura Todor, Consumer Affairs Officer, NCUA Office of Consumer Protection, 1775 Duke St., Alexandria, VA 22314, by phone at (703) 518–1149, or by email at *ltodor@ncua.gov.*

SUPPLEMENTARY INFORMATION: Under section 1473(p) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[1] if the Appraisal Subcommittee (''ASC''), a subcommittee of the Federal Financial Institutions Examination Council (FFIEC), determines, six months after enactment of that secton (*i.e.,* January 21, 2011) that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice, including complaints from appraisers, individuals, or other entities concerning the improper influencing or attempted improper influencing of appraisers or the appraisal process, then the ASC shall establish and operate such a hotline (''ASC Hotline''), which shall include a toll-free telephone number and an email address. Section 1473(p) further directs the ASC to refer complaints received through the ASC Hotline to the appropriate government bodies for further action, which may include referral to the Agencies. The ASC determined that a national appraisal hotline does not exist at a meeting held on January 12, 2011, and a notice of this determination was published in the **Federal Register** on January 28, 2011 (76 FR 5161). Currently, the ASC is in the process of establishing the ASC hotline, which will refer complaints to appropriate state and federal regulators.

Representatives from the Agencies, the Federal Reserve Board, and the Bureau of Consumer Financial Protection have been meeting to establish a process to facilitate the referral of complaints received through the ASC Hotline to the appropriate federal financial institution regulatory agency or agencies. The Agencies and the Federal Reserve Board have developed the Interagency Appraisal Complaint Form to collect information necessary to take further action on the complaint. In preparing this notice, the Agencies have availed themselves of all means reasonably available to determine accurate estimates of the number of complaints it anticipates receiving as the result of the Interagency Appraisal Complaint Form.

Title: Interagency Appraisal Complaint Form.

OMB Number: New Collection.

Description: The Interagency Appraisal Complaint Form was developed for those who wish to file a formal, written complaint that an entity subject to the jurisdiction of one or more Agencies or the Federal Reserve Board has failed to comply with the appraisal independence standards or the Uniform Standards of Professional Appraisal Practice. The form is designed to collect information necessary for one or more Agencies or the Federal Reserve Board to take further action on a complaint from an appraiser, other individual, financial institution, or other entities. Each appropriate Agency or the Federal Reserve Board will use the information to take further action on the complaint to the extent it relates to an issue within its jurisdiction. The Federal Reserve Board will be seeking approval for the Interagency Complaint Form through a separate notice.

Type of Review: Regular.

Affected Public: Individuals; businesses or other for-profit entities.

Estimated Number of Respondents:

OCC: 1500 annually.

FDIC: 300 annually.

NCUA: 200 annually.

Estimated Burden per Response: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Annual Burden:

OCC: 750 hours annually.

FDIC: 150 hours annually.

NCUA: 100 hours annually.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 5, 2012.

Michele Meyer,

Assistant Director, Legislative and Regulatory Activities Division, OCC.

Dated: September 20, 2012.

Valerie J. Best,

Assistant Executive Secretary, Federal Deposit Insurance Corporation.

Dated: October 4, 2012.

Mary Rupp,

Secretary of the Board, NCUA.

[FR Doc. 2012–25935 Filed 10–19–12; 8:45 am]

BILLING CODE P

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act § 1473, Public Law 111–203, 124 Stat. 1376, July 21, 2010; 12 U.S.C. 3351(i)..

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0518]

Proposed Information Collection (Income Verification) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine a claimant's entitlement to income-dependent benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 21, 2012.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue

NW., Washington, DC 20420 or email: *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0518'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Title: Income Verification, VA Form 21–0161a.

OMB Control Number: 2900–0518.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0161a is completed by employers of beneficiaries who have been identified as having inaccurately reported their income to VA. The data collected is used to determine the beneficiary's entitlement to income dependent benefits.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 30,000.

By direction of the Secretary.

William F. Russo,

Deputy Director, Office of Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2012–25872 Filed 10–19–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0742]

Proposed Information Collection (Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans (Irritable Bowel Syndrome—Diarrhea)) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to evaluate chronic gastrointestinal disorders in Persian Gulf War Veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 21, 2012.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov*; or to Cynthia Harvey Pryor, Veterans Health Administration (10P7BFP), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *cynthia.harvey-pryor@va.gov*. Please refer to ''2900–0742'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor (202) 461–5870 or FAX (202) 273–9387.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Titles

a. VA Research Consent Form (Cases), VA Form 10–2109a.

b. VA Research Consent Form (Control), VA Form 10–2109b.

c. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092c.

OMB Control Number: 2900–0742.

Type of Review: Extension of a currently approved collection.

Abstract: Approximately 25 percent military troops who were deployed in the first Persian Gulf War returned with persistent gastrointestinal symptoms, typical of diarrhea-predominant irritable bowel syndrome. The data collected from the survey will assist VA in determining whether chronic gastrointestinal illness in Persian Gulf Veterans was caused by the presence of bacteria in the intestines and whether eradication of these bacteria reduces symptoms of chronic diarrhea.

Affected Public: Individuals or households.

Estimated Total Annual Burden

a. VA Research Consent Form (Cases), VA Form 10–2109a—41 hours.

b. VA Research Consent Form (Control), VA Form 10–2109b—31 hours.

c. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092c—3,000 hours.

Estimated Average Burden Per Respondent

a. VA Research Consent Form (Cases), VA Form 10–2109a—15 minutes.

b. VA Research Consent Form (Control), VA Form 10–2109b—10 minutes.

c. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092c—45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents

a. VA Research Consent Form (Cases), VA Form 10–2109a—165.

b. VA Research Consent Form (Control), VA Form 10–2109b—189.

c. Survey of Chronic Gastrointestinal Illness in Persian Gulf Veterans, VA Form 10–21092c—4,000.

By direction of the Secretary.

William F. Russo,

Deputy Director, Office of Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2012–25873 Filed 10–19–12; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board, Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Public Law 92–463 (Federal Advisory Committee Act) that the panels of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Panel	Date(s)	Location
Endocrinology-B	November 15, 2012	*VA Central Office.
Hematology	November 16, 2012	*VA Central Office.
Infectious Diseases-B	November 16, 2012	Sheraton Crystal City Hotel.
Mental Health and Behavioral Sciences-B	November 16, 2012	*VA Central Office.
Neurobiology-A	November 16, 2012	*VA Central Office.
Cellular and Molecular Medicine	November 19, 2012	Sheraton Crystal City Hotel.
Mental Health and Behavioral Sciences-A	November 20, 2012	Sheraton Crystal City Hotel.
Aging and Clinical Geriatrics	November 28, 2012	*VA Central Office.
Immunology-A	November 28, 2012	Sheraton Crystal City Hotel.
Gastroenterology	November 29, 2012	Sheraton Crystal City Hotel.
Clinical Trials	November 29–30, 2012	*VA Central Office.
Pulmonary Medicine	November 29–30, 2012	Sheraton Crystal City Hotel.
Infectious Diseases-A	December 4, 2012	*VA Central Office.
Epidemiology	December 6, 2012	*VA Central Office.
Nephrology	December 6, 2012	Sheraton Crystal City Hotel.
Neurobiology-C	December 6–7, 2012	Sheraton Crystal City Hotel.
Oncology-A	December 6–7, 2012	American Association of Airport Executives.
Neurobiology-E	December 7, 2012	*VA Central Office.
Cardiovascular Studies	December 10, 2012	Sheraton Crystal City Hotel.
Endocrinology-A	December 10–11, 2012	Sheraton Crystal City Hotel.
Surgery	December 11, 2012	Sheraton Crystal City Hotel.
Clinical Application of Genetics	December 12, 2012	*VA Central Office.
Neurobiology-D	December 13, 2012	Sheraton Crystal City Hotel.
Eligibility	January 18, 2013	Sheraton Crystal City Hotel.

The addresses of the meeting sites are:
American Association of Airport Executives, 601 Madison Street, Alexandria, VA.
Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, Virginia.
VA Central Office, 131 M Street NE., Washington, DC.
*Teleconference.

The purpose of the Board is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral and clinical science research.

The panel meetings will be open to the public for approximately one-half hour at the start of each meeting to discuss the general status of the program. The remaining portion of each panel meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals.

The closed portion of each meeting involves discussion, examination, reference to staff and consultant critiques of research proposals. During this portion of each meeting, discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these panel meetings is in accordance with 5 U.S.C., 552b(c)(6) and (9)(B).

Those who plan to attend the general session or would like to obtain a copy of minutes of the panel meetings and rosters of the members of the panels should contact LeRoy G. Frey, Ph.D., Chief, Program Review (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or call (202) 443–5674 or by email at *Leroy.frey@va.gov.*

By Direction of the Secretary.

Dated: October 16, 2012.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2012–25807 Filed 10–19–12; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 77 Monday,

No. 204 October 22, 2012

Part II

Postal Service

Change in Rates and Classes of General Applicability for Competitive Products; Notice

POSTAL SERVICE

Change in Rates and Classes of General Applicability for Competitive Products

AGENCY: Postal Service.

ACTION: Notice of a change in rates of general applicability for competitive products.

SUMMARY: This notice sets forth changes in rates of general applicability for competitive products.

DATES: *Effective Date:* January 27, 2013.

FOR FURTHER INFORMATION CONTACT: Daniel J. Foucheaux, Jr., 202–268–2989.

SUPPLEMENTARY INFORMATION: On September 13, 2012, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established prices and classification changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products (Governors' Decision No. 12–2)

September 13, 2012

Statement of Explanation and Justification

Pursuant to our authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 (''PAEA''), we establish new prices of general applicability for the Postal Service's shipping services (competitive products), and such changes in classifications as are necessary to define the new prices. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with changes in classification language in legislative format, and new prices displayed in the price charts.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. 3633(a)(3), which, as implemented by 39 CFR 3015.7(c), requires competitive products to contribute a minimum of 5.5 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. 3633(a)(1)). We therefore find that the new prices and classification changes are in accordance with 39 U.S.C. 632–3633 and 39 CFR 3015.2.

I. Domestic Products

A. Express Mail

Overall, the Express Mail price change represents a 5.8 percent increase. The existing structure of zoned Retail, Commercial Base and Commercial Plus price categories is maintained.

Retail prices will increase an average of 6.5 percent. The price for the Retail Flat Rate Envelope and Legal Flat Rate Envelope, a significant portion of all Express Mail volume, is increasing 5.3 percent to $19.95. Additionally, the price for the recently-introduced Padded Flat Rate Envelope is increasing to $19.95.

The Commercial Base price category offers lower prices to customers who use online and other authorized postage payment methods. The Commercial Base prices will increase 2.0 percent.

The Commercial Plus price category offers even lower prices to large-volume customers. Commercial Plus prices, as a whole, will receive a 1.0 percent increase.

B. Priority Mail

Overall, Priority Mail prices will increase by 6.3 percent. However, the price increase varies by rate cell and price tier. The existing structure of Retail, Commercial Base, and Commercial Plus price categories is maintained.

Retail prices will increase an average of 9.0 percent. However, approximately three percent of the increase is for free tracking visibility which will now be included at no charge. Flat Rate Box prices will be: Small, $5.80; Medium, $12.35; Large, $16.85; and Large APO/FPO/DPO, $14.85. The regular Flat Rate Envelope will be priced at $5.60, with the Legal Size and Padded Flat Rate Envelopes priced at $5.75 and $5.95, respectively.

The Commercial Base price category offers lower prices to customers using online and other authorized postage payment methods. The average price increase for Commercial Base will be 3.7 percent.

The Commercial Plus price category offers even lower prices to large-volume customers. The average price increase for Commercial Plus will be 3.8 percent. This price category will continue to contain Critical Mail letters and flats, a half pound price, an assortment of Flat Rate packaging, and Commercial Plus Cubic pricing. New for January, Critical Mail letters and flats will each have the option of receiving a signature upon delivery. The letter option will be priced at $4.60; the flat option at $5.35. Cubic mailers will continue to be able to use soft packaging as well as traditional boxes.

C. Parcel Select

On average, prices for Parcel Select, the Postal Service's bulk ground shipping product, will increase 9.0 percent. For destination entered parcels, the average price increases are 8.0 percent for parcels entered at a destination delivery unit (DDU), 4.9 percent for parcels entered at a destination plant (DSCF) and 4.8 percent for parcels entered at a destination Network Distribution Center (DNDC).

For nondestination-entered parcels, the average price increases are 5.7 percent for origin Network Distribution Center (ONDC) presort, 4.3 percent for Network Distribution Center (NDC) presort, and 4.2 percent for nonpresort. Prices for Lightweight Parcel Select, formerly Standard Mail commercial parcels, will increase by 9.8 percent. The Regional Ground category will be eliminated due to insufficient volume.

D. Parcel Return Service

Parcel Return Service prices will have an overall price increase of 4.8 percent. Prices for parcels retrieved at a return Network Distribution Center (RNDC) will have a 1.0 percent overall increase, and prices for parcels picked up at a return delivery unit (RDU) will increase 8.5 percent. Additionally, the Postal Service will be introducing a full network return solution, Full Network PRS, available to high volume mailers with at least 50 thousand pieces annually.

E. First-Class Package Service

First-Class Package Service was transferred to the competitive product list on April 6, 2011. This product is positioned as a lightweight (less than one pound) offering used by businesses for fulfillment purposes. Overall, Commercial First-Class Package Service prices will increase 3.0 percent, with no structural changes.

F. Parcel Post, Renamed Standard Post

On July 20, 2012, in Docket No. MC2012–13, the Postal Regulatory Commission (PRC) gave conditional approval for Parcel Post to be transferred to the competitive product list. The conditions were: (1) That the

Postal Service files a notice of competitive price adjustment for Parcel Post rates that demonstrates that the rates satisfy 39 U.S.C. 3633(a) and 39 CFR part 3015 (i.e. that Parcel Post will have 100 percent cost coverage); (2) that the Commission issues an order finding that the rates satisfy 39 U.S.C. 3633(a) and 39 CFR part 3015; and (3) that the Parcel Post transfer authorized by the Commission will not take effect until the effective date of the rates authorized in the subsequent Order. A 21 percent increase in prices will be needed to meet this statutory requirement to achieve 100 percent cost coverage. The transferred product will be renamed Standard Post.

G. Domestic Extra Services

Premium Forwarding Service prices will increase 10.5 percent. The enrollment fee will remain unchanged at $15.00. The weekly reshipment fee will increase to $17.00. Address Enhancement Service prices will be increasing between 3.7 and 17.7 percent depending on the particular rate element, to ensure adequate cost coverage. Competitive Post Office Box prices will be increasing 2.6 percent, which is within the existing price range. Package Intercept service, established January 22, 2012, will not have a change in prices. The Pick-up On Demand fee will be increased from $15.30 to $20.00, its first increase in four years. New for January, customers ordering flat rate packaging supplies online will be able to pay a fee to get supplies delivered faster than the current free service provided by shipping the supplies using Standard Post or Bound Printed Matter. This service will be priced at $2.50, and a price range will be established similar to other items in this category.

II. International Products

A. Expedited Services

International expedited services include Global Express Guaranteed (GXG) and Express Mail International (EMI). Overall, GXG prices will rise by 9.6 percent, and EMI will be subject to an overall 13.2 percent increase. The existing structure of GXG Retail, Commercial Base, and Commercial Plus price categories is maintained, as well as the existing structure of EMI Flat Rate, Retail, Commercial Base and Commercial Plus. Classification changes include a change in the maximum weight of the EMI Flat Rate Envelope from 20 pounds to 4 pounds. In addition, the Pickup On Demand Service fee will increase, as previously described in the Domestic Extra Services section of this decision. Further, the Postal Service may offer one or more promotions in the form of a discount or rebate on certain GXG and EMI items, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program.

Customers tendering at least $100,000 in revenue per year for not only GXG, EMI, Priority Mail International (PMI), but also First-Class Package International Service may request authorization for Commercial Plus discounts.

B. Priority Mail International

The overall increase for Priority Mail International (PMI) will be 15.1 percent. The existing structure of PMI Flat Rate, Retail, Commercial Base, and Commercial Plus price categories is maintained, Classification changes include the availability of Electronic USPS Delivery Confirmation® International, which is optionally provided at no charge and offers scan events for customers using select software or online tools. It is available for certain Priority Mail International Flat Rate Envelopes and Small Flat Rate Box offerings to select destinations. In addition, the Pickup On Demand Service fee will increase, as previously described in the Domestic Extra Services section of this decision. Further, the Postal Service may offer one or more promotions in the form of a discount or rebate on certain PMI items, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program.

Customers tendering at least $100,000 in revenue per year for not only GXG, EMI, PMI, but also First-Class Package International Service, may request authorization for Commercial Plus discounts.

C. International Priority Airmail and International Surface Air Lift

Published prices International Priority Airmail (IPA) will increase by 1.9 percent, and International Surface Air Lift (ISAL) prices will increase by 4.4 percent.

D. Airmail M-Bags

The published prices for Airmail M-Bags will increase by 7.3 percent.

E. First-Class Package International Service™

On August 10, 2012, the Postal Service filed with the Postal Regulatory Commission (PRC) a request to transfer First-Class Mail International packages and rolls from the market dominant product list to the competitive product list. On September 10, 2012, the PRC granted the Postal Service's request. The new product will be identified as First-Class Package International Service™ (FCPIS), which will comprise packages and rolls. Due to anticipated cost increases and market conditions, a 58.6 percent increase is planned for the new product.

Additionally, Electronic USPS Delivery Confirmation® International, which is optionally provided at no charge, offers scan events for customers using select software or online tools. It is available for FCPIS mailpieces meeting certain physical characteristics to select destinations. Further, the Postal Service will offer Commercial Base and Commercial Plus discounts to eligible FCPIS customers. Customers tendering at least $100,000 in revenue per year for GXG, EMI, PMI and First-Class Package International Service may request authorization for Commercial Plus discounts. Further, the Postal Service may offer one or more promotions in the form of a discount or rebate on certain Outbound Single-Piece First-Class Package International Service items, during an established promotional period, to mailers that comply with the eligibility requirements of the promotional program.

F. International Ancillary Services and Special Services

Prices for several international ancillary services and paper money orders will be increased. Certificates of Mailing will increase 4.3 percent. Registered Mail will increase 10.2 percent. International Return Receipt will also increase, and International Postal Money Orders will increase 1.1 percent. The amount of Express Mail International merchandise insurance coverage available for no fee will be increased from $100 to $200. Due to the elimination of the $0.85 fee for the EMI $100.01–$200 merchandise insurance coverage tier, the overall increase for the international ancillary services is zero percent.

Because of low customer demand, International Restricted Delivery will be removed from the competitive product list. The Postal Service intends to file a separate request, pursuant to 39 U.S.C. 3642, to remove International Restricted Delivery from the competitive product list.

Order

The changes in prices and classes set forth herein shall be effective at 12:01 a.m. on January 27, 2013. We direct the Secretary to have this decision

published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2). We also direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

Further, Postal management is directed to provide the required public notice and to file with the Postal Regulatory Commission a request to remove International Restricted Delivery from the competitive product list of the Mail Classification Schedule, including any supporting documents, in accordance with 39 CFR part 3020.

By The Governors.

Thurgood Marshall, Jr.
Chairman

Part B—Competitive Products

2000 Competitive Product List

* * * * *

2001 Competitive Product Descriptions

* * * * *

2100 Domestic Products

* * * * *

2105 Express Mail

* * * * *

2105.6 Prices

RETAIL EXPRESS MAIL ZONE/WEIGHT

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
0.5	14.10	20.85	23.25	25.25	27.05	28.70	30.60
1	16.05	23.50	28.30	31.70	32.85	34.85	35.90
2	18.10	25.05	30.85	34.55	35.95	38.10	39.40
3	21.55	26.25	34.70	39.75	41.45	43.90	45.15
4	22.95	27.95	37.00	44.95	46.70	49.45	50.80
5	24.85	31.40	39.45	48.10	52.50	55.00	56.50
6	26.40	35.95	45.75	54.65	57.50	60.45	62.30
7	28.60	39.40	52.40	59.75	62.45	66.05	68.40
8	30.85	43.25	56.75	64.30	67.80	71.70	73.65
9	33.05	44.95	58.90	68.75	73.05	77.25	79.30
10	35.50	46.85	61.15	71.85	76.85	81.20	83.25
11	37.50	52.40	68.30	76.80	80.55	85.10	87.25
12	39.50	56.10	72.55	80.85	84.20	88.95	91.10
13	41.80	59.70	75.90	84.55	87.75	92.65	96.40
14	43.70	63.40	78.90	87.85	91.40	96.50	100.40
15	45.15	66.95	82.25	91.55	95.15	100.40	104.40
16	47.10	70.75	85.50	95.10	99.25	104.70	107.90
17	48.90	74.45	88.70	98.60	102.60	108.15	110.95
18	50.90	77.95	91.85	102.05	106.20	111.95	114.90
19	52.70	81.65	95.00	105.50	109.85	115.75	118.75
20	54.95	85.35	99.70	110.65	114.15	120.25	124.05
21	56.20	90.70	102.85	114.15	119.20	125.50	128.70
22	58.30	94.45	107.35	119.10	122.95	129.40	133.65
23	60.00	98.10	110.50	122.55	126.75	133.35	137.55
24	62.20	101.85	114.10	126.45	130.55	137.35	140.60
25	64.70	105.65	116.85	129.40	134.10	141.00	145.00
26	66.15	109.40	120.20	133.10	137.90	144.95	149.10
27	68.05	113.00	123.35	136.50	141.50	148.70	153.05
28	69.45	116.80	127.30	140.80	145.20	152.55	157.05
29	71.60	120.45	131.45	145.35	148.95	156.40	160.90
30	73.60	124.20	135.60	149.85	153.25	160.90	166.00
31	75.40	127.90	139.70	154.35	158.10	165.90	171.25
32	77.45	131.80	143.90	158.85	162.70	170.70	176.35
33	79.85	135.45	148.05	163.35	167.45	175.60	181.40
34	82.15	139.05	152.30	168.00	172.10	180.40	186.45
35	84.25	142.85	156.30	172.30	176.70	185.20	191.55
36	86.40	146.60	160.55	176.90	181.55	190.20	196.70
37	88.25	150.25	164.65	181.35	186.35	195.15	201.85
38	90.35	154.05	168.85	185.90	190.95	199.95	206.85
39	92.60	157.80	173.05	190.40	195.45	204.55	212.00
40	94.55	161.40	177.30	195.00	200.20	209.45	217.15
41	96.40	165.20	181.40	199.40	205.05	214.50	222.25
42	98.15	169.00	185.55	203.90	209.85	219.45	227.30
43	100.40	172.60	189.65	208.30	214.50	224.20	232.45
44	102.20	176.40	193.85	212.80	219.15	229.00	237.50
45	104.15	180.20	197.90	217.15	223.85	233.85	242.70
46	106.25	183.75	202.30	221.85	228.50	238.60	247.75
47	108.45	187.55	206.40	226.25	233.20	243.45	252.85
48	110.30	191.35	210.45	230.55	237.95	248.30	257.95
49	112.25	194.95	214.65	235.05	242.80	253.30	263.10
50	114.65	198.75	218.90	239.65	247.30	257.90	268.15
51	116.70	202.55	223.00	244.00	251.95	262.65	272.55
52	118.70	206.10	227.10	248.40	256.80	267.60	278.45
53	120.60	209.90	231.35	252.85	261.55	272.45	283.55
54	122.75	213.70	235.45	257.20	266.25	277.30	288.60
55	125.20	218.60	239.75	261.80	270.90	282.00	293.65

RETAIL EXPRESS MAIL ZONE/WEIGHT—Continued

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
56	127.80	222.40	243.80	266.10	275.55	286.80	298.80
57	130.05	226.15	248.00	270.55	280.25	291.60	303.90
58	132.25	229.75	252.10	274.90	285.00	296.40	309.00
59	134.05	233.45	256.25	279.30	289.80	301.30	314.10
60	135.85	237.20	260.40	283.70	294.45	306.05	319.20
61	137.80	241.00	264.75	288.30	299.15	310.80	324.30
62	139.95	244.65	268.80	292.55	303.80	315.50	329.50
63	142.25	248.35	272.95	296.95	308.55	320.40	334.65
64	144.15	252.05	277.10	301.30	313.30	325.20	339.75
65	146.60	255.80	281.20	305.65	317.95	329.90	344.75
66	149.35	259.60	285.50	310.15	322.65	334.70	349.80
67	151.10	263.25	289.70	314.55	327.25	339.30	354.95
68	153.10	267.00	293.80	318.85	332.15	344.30	360.20
69	155.50	270.75	297.95	323.20	336.70	348.90	365.05
70	158.35	274.50	302.15	327.60	341.45	353.70	370.20

RETAIL FLAT RATE ENVELOPE

	($)
Retail Regular Flat Rate Envelope, per piece	*19.95*
Retail Legal Flat Rate Envelope, per piece	*19.95*
Retail Padded Flat Rate Envelope, per piece	*19.95*

RETAIL FLAT RATE BOX

	($)
Retail Flat Rate Box, per piece	39.95

COMMERCIAL BASE ZONE/WEIGHT

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
0.5	13.09	16.99	20.42	23.23	25.22	26.95	27.68
1	15.13	16.99	20.42	23.23	25.22	26.95	27.68
2	15.58	17.25	22.98	25.71	28.51	29.93	31.36
3	15.94	18.47	25.44	28.48	31.59	32.64	33.81
4	16.30	19.36	27.58	31.16	34.48	35.54	36.94
5	16.65	20.16	30.17	34.08	37.40	38.49	39.87
6	16.93	21.84	33.47	37.65	41.52	42.49	44.29
7	17.51	22.93	35.78	40.46	44.45	45.48	47.05
8	18.02	24.06	38.09	43.04	47.41	48.67	50.07
9	18.66	24.94	40.26	45.82	50.39	51.85	53.29
10	19.32	24.97	42.12	48.23	53.05	54.52	57.32
11	20.00	27.38	44.34	50.82	56.32	58.13	59.49
12	20.83	28.51	46.72	53.19	59.10	61.28	62.68
13	21.37	29.57	48.94	55.62	61.46	64.53	65.71
14	21.99	30.70	51.47	57.97	63.86	67.34	68.93
15	22.62	31.52	53.21	60.31	66.35	71.96	73.98
16	23.40	32.89	55.77	62.56	68.40	72.92	74.91
17	24.14	34.83	58.78	64.53	69.95	73.75	75.78
18	25.02	35.97	60.56	65.90	71.51	74.55	76.92
19	25.81	36.93	61.97	67.31	73.14	76.20	78.95
20	26.67	37.40	63.56	68.93	74.73	77.98	80.76
21	28.52	41.60	69.49	75.64	81.62	85.12	88.80
22	29.34	42.52	71.16	77.34	83.32	87.10	90.70
23	30.31	43.40	72.87	79.24	85.26	88.97	92.84
24	31.12	44.16	74.80	81.25	87.53	90.91	94.75
25	31.85	44.40	76.71	82.92	89.10	93.02	96.60
26	32.59	46.10	78.82	84.96	92.24	95.66	98.90
27	33.40	46.98	80.75	87.39	94.78	97.56	100.59
28	34.15	48.00	82.89	89.90	96.72	99.49	102.73
29	34.92	48.81	84.99	91.80	98.79	101.66	104.90

COMMERCIAL BASE ZONE/WEIGHT—Continued

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
30	35.56	48.84	86.70	93.91	101.05	104.02	106.03
31	36.41	50.64	88.56	96.05	102.80	105.71	109.18
32	37.45	51.81	90.51	98.19	104.90	107.84	111.25
33	38.32	53.12	92.24	100.30	107.04	110.25	113.79
34	39.15	53.92	94.35	102.43	109.34	112.62	116.17
35	39.99	54.92	96.45	104.56	111.45	114.99	118.44
36	40.70	55.80	98.52	106.67	113.62	117.53	120.74
37	41.36	57.40	100.46	108.84	115.89	120.14	123.28
38	42.03	58.30	102.23	110.75	118.10	122.94	125.62
39	42.75	59.30	104.14	112.83	120.34	125.49	128.12
40	43.43	60.30	106.04	114.95	122.47	127.89	130.69
41	44.61	61.54	107.95	117.13	124.81	129.96	133.17
42	45.50	62.77	110.04	119.23	127.35	133.00	135.87
43	46.70	63.94	112.22	121.34	129.72	135.14	138.68
44	47.74	65.22	114.12	123.48	131.99	137.50	141.62
45	48.75	66.58	116.17	125.59	134.57	139.88	143.89
46	49.72	68.02	118.20	128.26	137.11	142.29	146.43
47	50.55	69.46	120.27	129.66	139.64	144.36	148.74
48	50.88	70.83	121.97	131.80	142.19	146.97	151.51
49	51.25	72.43	123.71	132.20	142.22	149.30	154.21
50	52.22	72.46	123.74	132.83	142.25	149.34	154.25
51	54.05	75.47	127.66	138.15	150.00	154.48	160.13
52	54.89	77.07	129.62	140.24	152.54	157.02	163.26
53	55.96	78.35	131.60	142.59	155.28	159.91	166.31
54	56.87	79.92	133.77	144.70	157.62	162.66	169.15
55	57.70	81.38	136.14	146.66	159.99	165.37	171.66
56	58.77	82.92	138.61	148.36	162.50	168.45	174.43
57	59.90	84.36	141.12	151.01	164.84	171.19	177.40
58	61.20	85.76	143.69	153.08	167.38	174.25	180.54
59	62.07	87.20	146.19	154.95	169.92	176.99	183.72
60	62.71	87.80	148.57	157.59	172.65	180.01	185.95
61	64.41	90.23	151.10	159.60	175.39	182.78	185.99
62	65.95	91.84	153.41	162.63	178.13	185.78	192.93
63	67.05	93.65	156.02	164.98	181.08	188.99	196.14
64	68.32	95.48	158.56	167.75	184.08	192.26	199.28
65	69.18	97.32	160.89	170.45	187.02	195.67	201.99
66	70.35	99.08	163.47	173.23	189.96	198.88	205.59
67	71.10	100.96	165.81	176.23	193.17	202.33	209.17
68	73.30	102.73	168.35	179.17	196.14	202.36	212.54
69	74.41	104.56	170.85	182.15	199.73	208.87	221.63
70	75.18	105.37	170.88	184.95	202.91	211.69	224.85

COMMERCIAL BASE FLAT RATE ENVELOPE

	($)
Commercial Base Regular Flat Rate Envelope, per piece	*18.11*
Commercial Base Legal Flat Rate Envelope, per piece	*18.11*
Commercial Base Padded Flat Rate Envelope, per piece	*18.11*

COMMERCIAL BASE FLAT RATE BOX

	($)
Commercial Base Flat Rate Box, per piece	39.95

COMMERCIAL PLUS ZONE/WEIGHT

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
0.5	11.16	13.00	15.82	16.93	17.19	17.87	18.13
1	11.82	15.62	18.63	20.69	21.12	21.41	24.93
2	12.53	16.87	21.91	24.43	26.91	28.67	29.79
3	13.30	18.26	25.16	28.16	30.06	32.28	33.29

COMMERCIAL PLUS ZONE/WEIGHT—Continued

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
4	14.19	19.15	27.27	30.81	34.09	35.14	36.31
5	15.07	19.93	29.83	33.70	36.98	38.06	39.33
6	15.74	21.59	33.10	37.22	41.05	41.77	43.55
7	16.43	22.67	35.38	40.00	43.95	44.97	46.52
8	17.15	23.79	37.67	42.56	46.88	48.12	49.51
9	17.89	24.67	39.81	45.31	49.82	51.27	52.69
10	18.58	24.70	41.65	47.69	52.46	53.91	56.68
11	19.48	27.07	43.84	50.25	55.69	57.48	58.83
12	20.31	28.19	46.20	52.59	58.44	60.59	61.98
13	21.00	29.24	48.39	55.00	60.77	63.80	64.97
14	21.74	30.36	50.89	57.32	63.15	66.58	68.15
15	22.18	31.17	52.61	59.63	65.44	68.68	70.68
16	22.85	32.52	55.14	61.86	67.63	70.53	72.51
17	23.58	34.44	58.12	63.80	69.17	72.10	74.11
18	24.57	35.56	59.89	65.16	70.71	73.71	76.06
19	25.20	36.52	61.28	66.55	72.32	75.35	78.06
20	26.13	36.98	62.85	68.15	73.89	77.11	79.86
21	27.85	41.13	68.71	74.79	80.70	84.17	87.80
22	28.89	42.05	70.36	76.47	82.39	86.12	89.69
23	29.78	42.91	72.05	78.36	84.31	87.97	91.80
24	30.50	43.67	73.97	80.34	86.55	89.89	93.69
25	31.41	43.90	75.85	81.99	87.44	90.06	95.93
26	32.03	45.58	77.93	84.01	91.21	94.41	97.61
27	32.83	46.45	79.85	86.41	93.72	96.47	99.47
28	33.48	47.47	81.96	88.89	95.64	98.38	101.58
29	34.22	48.26	84.04	90.77	97.68	100.52	103.73
30	34.88	48.29	85.73	92.86	97.71	102.44	104.42
31	35.75	50.08	87.57	94.97	101.65	104.52	107.96
32	37.03	51.23	89.50	97.09	103.73	106.64	110.00
33	37.89	52.52	91.21	99.17	105.84	109.01	112.52
34	38.71	53.32	93.29	101.28	108.12	111.36	114.87
35	39.54	54.31	95.37	103.39	110.20	113.71	117.11
36	40.14	55.17	97.42	105.48	112.35	116.22	119.39
37	40.90	56.75	99.34	107.62	114.59	118.79	121.90
38	41.56	57.65	101.09	109.51	116.78	121.56	124.21
39	42.10	58.64	102.97	111.56	119.00	124.08	126.69
40	42.95	59.62	104.85	113.67	121.10	126.46	129.23
41	43.91	60.85	106.74	115.82	123.42	128.50	131.68
42	44.99	62.07	108.81	117.90	125.92	131.51	134.35
43	46.18	63.23	110.97	119.98	128.27	133.63	137.12
44	47.21	64.49	112.84	122.10	130.52	135.97	140.03
45	48.20	65.84	114.87	124.18	133.07	138.31	142.28
46	49.16	67.26	116.88	126.82	135.57	140.70	144.79
47	49.99	68.68	118.92	128.21	138.08	142.74	147.07
48	50.31	70.04	120.61	130.33	140.60	145.32	149.81
49	50.68	71.62	122.33	130.72	140.63	147.63	152.48
50	51.37	71.65	122.36	131.34	140.66	147.67	152.52
51	53.45	74.63	126.23	136.60	148.32	152.76	158.33
52	54.28	76.21	128.17	138.68	150.83	155.26	161.44
53	55.33	77.47	130.12	140.99	153.54	157.81	164.15
54	56.23	79.02	132.27	143.08	155.86	160.84	167.26
55	57.06	80.47	134.62	145.02	158.20	163.52	169.74
56	58.11	81.99	137.06	146.70	160.68	166.56	172.48
57	59.23	83.41	139.54	149.32	163.00	169.27	175.42
58	60.52	84.80	142.08	151.37	165.51	172.30	178.52
59	61.38	86.22	144.56	153.22	168.01	175.01	181.66
60	62.01	86.82	146.90	155.83	170.72	177.99	183.87
61	63.69	89.22	149.41	157.81	173.43	180.73	183.91
62	65.21	90.82	151.70	160.81	176.14	183.70	190.78
63	66.30	92.60	154.28	163.13	179.05	186.88	193.95
64	67.56	94.41	156.78	165.87	182.02	190.11	197.05
65	67.98	96.23	159.09	168.55	184.92	193.48	199.73
66	68.96	97.98	161.64	171.29	187.83	196.66	203.29
67	70.01	99.83	163.95	174.26	191.01	200.06	206.83
68	72.47	101.58	166.46	177.17	193.95	200.09	210.16
69	73.57	103.39	168.94	180.11	193.98	201.08	213.70
70	73.80	104.19	168.97	182.88	196.89	203.60	216.61

COMMERCIAL PLUS FLAT RATE ENVELOPE

	($)
Commercial Plus Regular Flat Rate Envelope, per piece	*12.85*
Commercial Plus Legal Flat Rate Envelope, per piece	*12.85*
Commercial Plus Padded Flat Rate Envelope, per piece	*12.85*

COMMERCIAL PLUS FLAT RATE BOX

	($)
Commercial Plus Flat Rate Box, per piece	39.95

Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section ~~1405.6~~ 2135.6) for each Pickup On Demand stop.

Sunday/Holiday Delivery

Add $12.50 for requesting Sunday or holiday delivery.

2110 Priority Mail

* * *

2110.6 Prices

2110.6 Prices

RETAIL PRIORITY MAIL ZONE/WEIGHT

Maximum weight pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.60	5.70	5.85	6.00	6.20	6.45	6.95
2	5.80	6.15	6.85	8.75	9.50	10.25	11.25
3	6.60	7.60	8.75	10.60	12.00	12.90	15.25
4	7.45	8.90	10.05	14.05	15.40	16.45	18.35
5	8.85	10.20	11.50	15.95	17.55	18.90	21.20
6	9.75	11.25	12.90	17.75	19.70	21.20	23.95
7	10.35	12.20	13.90	19.75	21.80	23.85	26.90
8	11.10	13.30	15.55	21.45	23.95	26.30	30.15
9	11.85	14.35	16.85	23.25	26.05	28.45	33.55
10	12.65	15.40	18.35	25.20	28.15	31.30	36.50
11	13.50	16.45	19.80	27.15	30.20	34.55	40.10
12	14.45	17.65	21.20	29.15	32.85	37.35	43.05
13	15.35	18.75	22.40	30.80	35.25	38.85	44.60
14	16.25	19.90	23.75	32.75	37.20	41.05	46.80
15	16.95	21.00	25.05	34.65	38.80	41.95	48.15
16	17.45	22.15	26.45	36.55	41.00	44.30	50.80
17	18.15	23.20	27.85	38.50	43.10	46.60	53.50
18	18.50	24.05	29.20	40.35	45.35	48.90	56.20
19	19.00	24.55	29.75	41.45	47.40	51.20	58.85
20	19.80	24.85	30.30	42.15	48.60	53.10	61.55
21	20.45	25.20	30.75	42.80	49.40	53.95	63.00
22	20.95	25.80	31.30	43.80	50.50	55.25	64.50
23	21.40	26.25	32.15	44.55	51.40	56.30	65.65
24	21.90	26.80	33.20	45.50	52.45	57.75	67.25
25	22.40	27.25	34.15	46.25	53.20	59.20	68.40
26	22.85	27.50	35.30	47.20	54.50	60.65	70.55
27	23.50	27.95	36.35	48.15	55.25	62.05	73.20
28	24.25	28.35	37.40	49.35	56.00	63.50	75.95
29	24.95	28.60	38.40	50.05	56.95	64.95	78.00
30	25.70	29.00	39.30	50.75	58.55	66.40	79.70
31	26.45	29.30	39.90	51.40	59.40	67.85	81.30
32	26.75	29.90	40.60	52.00	60.15	69.30	82.95
33	27.15	30.75	41.60	52.70	61.30	70.75	84.50
34	27.40	31.55	42.65	53.80	62.75	72.20	86.10
35	27.75	32.30	43.25	54.95	64.45	73.65	87.55
36	28.05	33.25	43.80	56.15	66.10	74.65	89.05
37	28.35	33.85	44.45	57.15	67.80	75.60	90.50
38	28.60	34.70	45.00	58.30	69.70	76.50	91.95
39	28.90	35.45	45.55	59.50	71.35	78.50	93.35
40	29.25	36.20	46.15	60.75	72.50	80.25	94.65

RETAIL PRIORITY MAIL ZONE/WEIGHT—Continued

Maximum weight pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
41	29.55	36.90	46.65	61.30	73.70	81.95	96.00
42	29.75	37.60	47.20	62.65	75.00	83.05	97.30
43	30.10	38.20	47.65	64.05	76.80	84.10	98.55
44	30.30	38.80	48.25	65.35	78.05	85.10	99.70
45	30.50	39.25	48.60	66.85	78.90	86.05	100.95
46	30.75	39.55	49.10	68.10	79.75	86.95	102.15
47	31.00	39.85	49.55	69.65	80.60	87.95	103.30
48	31.25	40.20	50.00	71.00	81.65	88.80	104.40
49	31.45	40.50	50.40	72.30	82.75	89.70	105.45
50	31.60	40.75	50.75	73.75	83.90	90.85	106.55
51	31.75	41.10	51.20	74.95	85.05	92.15	107.55
52	32.15	41.35	51.55	75.55	85.90	93.55	108.80
53	32.70	41.65	51.90	76.15	86.60	95.05	110.20
54	33.15	41.85	52.25	76.75	87.25	96.45	111.75
55	33.70	42.15	52.55	77.30	87.95	97.95	113.25
56	34.15	42.35	52.85	77.85	88.55	99.35	114.30
57	34.65	42.55	53.20	78.30	89.20	100.85	115.15
58	35.20	42.75	53.50	78.85	89.70	102.20	116.00
59	35.75	42.95	53.75	79.30	90.25	102.90	116.90
60	36.20	43.15	54.30	79.70	90.70	103.50	117.70
61	36.75	43.35	55.25	80.10	91.20	104.10	119.30
62	37.15	43.45	55.95	80.50	91.65	104.55	121.20
63	37.90	43.65	56.85	80.90	92.15	105.05	123.15
64	38.25	43.75	57.70	81.25	92.55	105.55	125.00
65	38.75	43.85	58.50	81.50	92.85	106.05	126.95
66	39.25	44.05	59.40	81.90	93.30	106.40	128.80
67	39.85	44.15	60.40	82.20	93.60	106.80	130.50
68	40.35	44.25	61.20	82.40	94.75	107.20	131.90
69	40.90	44.30	61.90	82.65	95.90	107.55	133.30
70	41.30	44.40	62.95	82.90	97.05	107.95	134.75

Retail Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section ~~1405.6~~ 2135.6) for each Pickup On Demand stop.

RETAIL FLAT RATE ENVELOPES[1]

	($)
Retail Regular Flat Rate Envelope, per piece	*5.60*
Retail Legal Flat Rate Envelope, per piece	*5.75*
Retail Padded Flat Rate Envelope, per piece	*5.95*

[1] The price for Regular, Legal, or Padded Flat Rate Envelopes also applies to sales of Regular, Legal, or Padded Flat Rate Envelopes, respectively, marked with Forever postage, at the time the envelopes are purchased.

RETAIL FLAT RATE BOXES[2]

Size	Delivery to domestic address ($)	Delivery to APO/FPO/DPO address ($)
Small Flat Rate Box	*5.80*	*5.80*
Medium Flat Rate Boxes	*12.35*	*12.35*
Large Flat Rate Boxes	*16.85*	*14.85*

[2] The price for Small, Medium, or Large Flat Rate Boxes also applies to sales of Small, Medium, or Large Flat Rate Boxes, respectively, marked with Forever postage, at the time the boxes are purchased.

Retail Balloon Price

In Zones 1–4 (including local), parcels weighing less than 20 pounds but measuring more than 84 inches in combined length and girth (but not more than 108 inches) are charged the applicable price for a 20-pound parcel.

Retail Dimensional Weight

In Zones 5–8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 194.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 194, and multiplying by an adjustment factor of 0.785.

REGIONAL RATE BOXES

Size	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
A	*6.07*	*6.19*	*6.59*	*8.23*	*8.94*	*9.65*	*10.63*
B	*6.91*	*8.11*	*9.22*	*11.91*	*14.00*	*15.04*	*16.88*
C	*15.86*	*20.46*	*24.16*	*33.49*	*37.80*	*41.28*	*47.76*

COMMERCIAL BASE PRIORITY MAIL ZONE/WEIGHT

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.05	5.23	5.35	5.54	5.75	6.02	6.51
2	5.32	5.44	5.84	7.48	8.19	8.90	9.88
3	5.49	6.39	7.36	9.03	10.62	11.49	13.40
4	6.16	7.36	8.47	11.16	13.25	14.29	16.13
5	7.24	8.53	9.63	12.97	15.08	16.43	18.70
6	8.09	9.54	10.85	14.76	16.93	18.73	21.42
7	8.63	10.38	11.72	16.73	18.74	21.12	24.05
8	9.26	11.29	13.32	18.41	20.60	23.25	27.01
9	9.68	12.18	14.18	19.82	22.41	25.18	30.03
10	10.41	13.06	15.41	21.51	24.21	27.68	32.66
11	11.26	13.98	16.68	23.17	25.98	30.13	35.38
12	12.06	14.97	17.87	24.90	28.33	32.58	37.94
13	12.78	15.92	18.83	26.20	30.42	33.89	39.29
14	13.55	16.89	19.97	27.86	32.12	35.80	41.24
15	14.15	17.84	21.08	29.47	33.36	36.47	42.33
16	14.57	18.80	22.26	31.08	35.25	38.51	44.66
17	15.11	19.71	23.41	32.74	37.05	40.53	47.01
18	15.42	20.39	24.53	34.33	39.00	42.52	49.38
19	15.83	20.83	25.03	35.25	40.75	44.51	51.72
20	16.53	21.08	25.49	35.85	41.79	46.16	54.11
21	17.08	21.40	25.88	36.13	42.13	46.60	54.81
22	17.24	21.60	26.32	36.42	42.43	46.97	55.44
23	17.40	21.73	26.40	36.58	42.67	47.29	55.77
24	17.83	22.21	27.25	37.39	43.56	48.51	57.13
25	18.23	22.58	28.07	37.99	44.19	49.72	58.12
26	18.60	22.79	28.98	38.80	45.27	50.94	59.93
27	19.14	23.13	29.87	39.56	45.89	52.13	62.20
28	19.72	23.45	30.70	40.59	46.50	53.35	64.53
29	20.32	23.68	31.54	41.13	47.29	54.57	66.26
30	20.94	24.03	32.28	41.71	48.62	55.77	67.69
31	21.52	24.27	32.78	42.23	49.33	57.01	69.07
32	21.76	24.78	33.33	42.74	49.97	58.23	70.48
33	22.10	25.46	34.17	43.29	50.93	59.42	71.78
34	22.30	26.13	35.02	44.22	52.13	60.65	73.14
35	22.57	26.76	35.52	45.15	53.53	61.86	74.38
36	22.84	27.53	36.00	46.13	54.89	62.71	75.65
37	23.08	28.03	36.51	46.97	56.32	63.51	76.89
38	23.29	28.71	36.98	47.90	57.90	64.25	78.12
39	23.54	29.38	37.41	48.89	59.27	65.95	79.33
40	23.78	30.00	37.88	49.90	60.22	67.41	80.41
41	24.03	30.52	38.29	50.36	61.23	68.84	81.56
42	24.21	31.14	38.77	51.45	62.29	69.78	82.67
43	24.49	31.64	39.16	52.61	63.79	70.64	83.73
44	24.65	32.16	39.62	53.71	64.81	71.49	84.69
45	24.82	32.49	39.92	54.93	65.53	72.28	85.76

COMMERCIAL BASE PRIORITY MAIL ZONE/WEIGHT—Continued

Maximum Weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
46	25.02	32.74	40.33	55.95	66.24	73.04	86.78
47	25.23	32.99	40.71	57.25	66.94	73.88	87.75
48	25.43	33.29	41.05	58.33	67.81	74.59	88.70
49	25.62	33.55	41.39	59.38	68.73	75.36	89.57
50	25.73	33.76	41.67	60.57	69.69	76.31	90.53
51	26.11	34.06	42.06	61.61	70.64	77.41	91.37
52	26.51	34.22	42.31	62.04	71.34	78.59	92.44
53	26.99	34.48	42.60	62.56	71.93	79.86	93.62
54	27.38	34.63	42.91	63.09	72.45	81.02	94.94
55	27.81	34.93	43.16	63.50	73.04	82.29	96.21
56	28.20	35.09	43.43	63.97	73.53	83.46	97.20
57	28.64	35.25	43.71	64.35	74.09	84.72	98.07
58	29.07	35.42	43.92	64.76	74.51	85.85	98.87
59	29.49	35.60	44.13	65.16	74.96	86.43	99.60
60	29.87	35.76	44.71	65.50	75.33	86.95	100.30
61	30.34	35.93	45.50	65.84	75.75	87.44	101.65
62	30.71	36.01	46.11	66.13	76.11	87.84	103.27
63	31.26	36.12	46.85	66.48	76.53	88.26	104.92
64	31.55	36.21	47.55	66.76	76.87	88.66	106.54
65	32.00	36.30	48.19	66.98	77.11	89.08	108.20
66	32.43	36.47	48.93	67.28	77.48	89.36	109.77
67	32.90	36.56	49.75	67.53	77.75	89.72	111.22
68	33.29	36.64	50.40	67.71	78.71	90.18	112.41
69	33.76	36.69	51.02	67.92	79.65	90.61	113.60
70	34.10	36.77	51.83	68.12	80.61	90.94	114.82

Commercial Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section ~~1405.6~~ 2135.6) for each Pickup On Demand stop.

COMMERCIAL BASE FLAT RATE ENVELOPE

	($)
Commercial Base Regular Flat Rate Envelope, per piece	*5.05*
Commercial Base Legal Flat Rate Envelope, per piece	*5.25*
Commercial Base Padded Flat Rate Envelope, per piece	*5.70*

COMMERCIAL BASE FLAT RATE BOX

Size	Delivery to domestic address ($)	Delivery to APO/FPO/DPO address ($)
Small Flat Rate Box	*5.15*	*5.15*
Regular Flat Rate Boxes	*11.30*	*11.30*
Large Flat Rate Boxes	*15.30*	*13.30*

Commercial Base Balloon Price

In Zones 1–4 (including local), parcels weighing less than 20 pounds but measuring more than 84 inches in combined length and girth (but not more than 108 inches) are charged the applicable price for a 20-pound parcel.

Commercial Base Dimensional Weight

In Zones 5–8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 194.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel,

dividing by 194, and multiplying by an adjustment factor of 0.785.

REGIONAL RATE BOXES

Size	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
A	*5.32*	*5.44*	*5.84*	*7.48*	*8.19*	*8.90*	*9.88*
B	*6.16*	*7.36*	*8.47*	*11.16*	*13.25*	*14.29*	*16.13*
C	*15.11*	*19.71*	*23.41*	*32.74*	*37.05*	*40.53*	*47.01*

COMMERCIAL PLUS PRIORITY MAIL ZONE/WEIGHT

Maximum weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
0.5	4.58	4.65	4.74	4.99	5.23	5.47	5.82
1	4.95	5.10	5.27	5.47	5.66	5.86	6.25
2	5.09	5.35	5.74	7.15	7.66	8.27	8.95
3	5.20	6.05	6.92	8.63	10.15	11.12	12.48
4	5.79	6.90	8.05	10.53	12.33	13.59	15.46
5	6.45	7.88	8.84	12.31	14.29	15.85	18.23
6	7.34	9.13	10.51	14.52	16.03	18.28	20.28
7	8.08	10.12	11.67	16.59	17.81	20.56	23.18
8	8.54	10.51	13.00	18.11	19.32	22.55	26.01
9	8.76	11.25	13.87	19.54	20.92	24.53	28.94
10	9.29	12.12	14.62	20.82	22.65	26.70	31.60
11	9.72	12.41	15.47	21.62	24.06	28.16	32.73
12	10.14	13.05	16.34	22.83	25.93	29.61	34.14
13	10.41	13.37	16.81	24.10	27.80	30.80	35.32
14	10.77	13.95	17.56	25.18	29.29	32.56	37.08
15	11.24	14.57	18.40	25.94	29.96	32.90	37.87
16	11.61	15.07	18.99	26.49	30.64	33.64	38.84
17	11.96	15.57	19.38	27.16	31.47	34.46	39.83
18	12.22	16.06	19.74	27.71	32.07	35.13	40.79
19	12.64	16.42	20.06	28.37	32.83	36.03	41.81
20	12.94	16.68	20.44	28.85	33.46	36.71	42.72
21	13.32	16.91	20.76	29.34	34.01	37.35	43.57
22	13.63	17.22	21.08	29.99	34.77	38.20	44.64
23	13.94	17.43	21.66	30.51	35.38	38.89	45.41
24	14.24	17.64	22.31	31.15	36.11	39.79	46.55
25	14.57	17.90	23.06	31.65	36.68	40.38	47.35
26	14.87	18.12	23.79	32.30	37.48	41.22	48.86
27	15.28	18.37	24.51	32.75	38.03	41.84	50.67
28	15.77	18.58	25.14	33.17	38.54	42.46	52.53
29	16.22	18.80	25.89	33.62	39.04	43.01	54.21
30	16.75	19.08	26.56	34.09	39.60	43.63	56.04
31	17.16	19.24	27.32	34.49	40.09	44.18	57.88
32	17.62	19.70	28.02	34.93	40.65	45.25	59.69
33	18.09	20.24	28.64	35.37	41.14	46.53	61.45
34	18.57	20.76	29.40	36.12	42.36	47.82	63.26
35	19.03	21.30	30.00	36.89	43.52	49.10	65.06
36	19.50	21.82	30.48	37.72	44.62	50.44	66.87
37	19.97	22.29	30.98	38.42	45.79	51.72	68.66
38	20.23	22.82	31.43	39.18	47.06	52.95	70.48
39	20.48	23.30	31.86	39.96	48.21	54.31	72.34
40	20.86	23.76	32.34	40.79	49.31	55.52	74.03
41	21.30	24.23	32.76	41.16	50.48	56.87	75.83
42	21.70	24.72	33.20	42.04	51.58	58.20	77.63
43	22.13	25.14	33.63	42.97	52.87	59.49	79.47
44	22.52	25.63	34.06	43.96	53.95	60.82	81.25
45	22.90	26.10	34.43	44.89	55.13	62.13	83.05
46	23.33	26.58	35.11	45.75	56.29	63.40	84.85
47	23.75	27.05	35.77	46.74	57.57	64.75	86.61
48	24.17	27.41	36.56	47.67	58.74	66.07	88.16
49	24.56	27.75	36.93	48.56	59.78	67.43	89.04
50	24.90	27.99	37.27	49.49	60.94	68.71	90.16
51	25.39	28.26	37.93	50.48	62.10	69.99	91.12
52	25.73	28.51	38.67	51.40	63.37	71.28	92.01
53	26.22	28.80	39.31	52.33	64.48	72.62	92.92
54	26.56	28.99	39.97	53.32	65.58	73.85	93.80

COMMERCIAL PLUS PRIORITY MAIL ZONE/WEIGHT—Continued

Maximum weight (pounds)	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
55	26.98	29.27	40.78	54.24	66.74	75.07	94.60
56	27.39	29.47	41.42	55.10	68.01	76.42	95.43
57	27.83	29.76	42.07	55.99	69.12	77.75	96.29
58	28.20	29.96	42.81	56.98	70.28	78.39	97.07
59	28.65	30.16	43.52	57.92	71.00	78.84	97.76
60	28.99	30.37	44.16	58.89	71.40	80.14	98.51
61	29.47	30.57	44.95	59.77	72.23	81.37	99.82
62	29.82	30.86	45.61	60.77	72.69	82.62	101.40
63	30.29	31.32	46.31	61.75	73.10	83.48	103.00
64	30.63	31.51	47.00	62.68	73.56	83.99	104.61
65	31.08	31.60	47.61	63.30	73.94	84.44	106.25
66	31.46	31.96	48.36	63.56	74.40	84.86	107.79
67	31.89	32.40	49.14	64.23	74.76	85.34	109.48
68	32.29	32.80	49.82	65.15	75.06	85.75	110.99
69	32.74	33.24	50.45	66.14	75.49	86.19	112.63
70	33.12	33.63	51.23	66.43	75.79	86.53	114.21

Commercial Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section ~~1405.6~~ 2135.6) for each Pickup On Demand stop.

COMMERCIAL PLUS FLAT RATE ENVELOPE

	($)
Commercial Plus Regular Flat Rate Envelope, per piece	*4.95*
Commercial Plus Legal Flat Rate Envelope, per piece	4.99
Commercial Plus Padded Flat Rate Envelope, per piece	*5.35*

COMMERCIAL PLUS FLAT RATE BOX

Size	Delivery to domestic address ($)	Delivery to APO/FPO/DPO address ($)
Small Flat Rate Box	*5.10*	*5.10*
Medium Flat Rate Boxes	*10.65*	*10.65*
Large Flat Rate Boxes	*14.80*	*12.80*

Commercial Plus Balloon Price

In Zones 1–4 (including local), parcels weighing less than 20 pounds but measuring more than 84 inches in combined length and girth (but not more than 108 inches) are charged the applicable price for a 20-pound parcel.

Commercial Plus Dimensional Weight

In Zones 5–8, parcels exceeding one cubic foot are priced at the actual weight or the dimensional weight, whichever is greater.

For box-shaped parcels, the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) of the parcel, and dividing by 194.

For irregular-shaped parcels (parcels not appearing box-shaped), the dimensional weight (pounds) is calculated by multiplying the length (inches) times the width (inches) times the height (inches) at the associated maximum cross-sections of the parcel, dividing by 194, and multiplying by an adjustment factor of 0.785.

CRITICAL MAIL

Shape	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
Letter	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Flat	*4.50*	*4.50*	*4.50*	*4.50*	*4.50*	*4.50*	*4.50*
Letter with Signature	*4.60*	*4.60*	*4.60*	*4.60*	*4.60*	*4.60*	*4.60*
Flat with Signature	*5.35*	*5.35*	*5.35*	*5.35*	*5.35*	*5.35*	*5.35*

REGIONAL RATE BOXES

Size	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
A	*5.32*	*5.44*	*5.84*	*7.48*	*8.19*	*8.90*	*9.88*
B	*6.16*	*7.36*	*8.47*	*11.16*	*13.25*	*14.29*	*16.13*
C	*15.11*	*19.71*	*23.41*	*32.74*	*37.05*	*40.53*	*47.01*

COMMERCIAL PLUS CUBIC

Maximum cubic feet	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
0.10	4.58	4.65	4.74	4.99	5.23	5.47	5.82
0.20	5.01	5.16	5.32	5.53	5.73	5.94	6.33
0.30	5.23	5.69	6.24	7.78	8.63	9.38	10.29
0.40	5.45	6.38	7.34	9.28	10.90	11.96	13.48
0.50	6.20	7.48	8.57	11.54	13.46	14.88	17.02

Commercial Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section ~~1405.6~~ 2135.6) for each Pickup On Demand stop.

Open and Distribute (PMOD)

a. DDU

Container	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
Half Tray	*7.49*	*9.17*	*11.08*	*17.83*	*18.06*	*19.64*	*21.80*
Full Tray	*10.18*	*12.74*	*14.83*	*25.95*	*29.83*	*31.69*	*35.36*
EMM Tray	*11.67*	*12.91*	*17.18*	*24.69*	*29.01*	*30.52*	*38.48*
Flat Tub	*16.68*	*20.91*	*25.85*	*43.73*	*52.78*	*57.06*	*63.51*

b. Processing Facilities

Container	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
Half Tray	*5.94*	*7.52*	*9.24*	*16.10*	*16.45*	*18.00*	*19.32*
Full Tray	*7.68*	*9.90*	*12.33*	*22.49*	*26.58*	*28.45*	*31.80*
EMM Tray	*9.16*	*10.62*	*14.46*	*22.47*	*26.70*	*28.27*	*35.88*

Container	Local, Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
Flat Tub	*13.11*	*17.33*	*21.95*	*40.09*	*48.96*	*53.30*	*58.63*

2115 Parcel Select

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2115.4 Price Categories

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Non-Destination Entered

- ONDC Presort—Entered at the origin network distribution center
  - Balloon Price
  - Oversized
  - Forwarding and Returns
- NDC Presort—Entered at a designated facility
  - Balloon Price
  - Oversized
  - Forwarding and Returns
- Nonpresort
  - Balloon Price
  - Oversized
  - Forwarding and Returns
- Machinable Lightweight
  - 5-Digit

  DDU, DSCF, and DNDC entry levels

  Commercial eligible
  - NDC

  DNDC and Origin entry levels

  Commercial eligible
  - Mixed NDC

  Origin entry level

  Commercial eligible
- Irregular Lightweight (Do not meet the machinability requirements for machinable parcels.)
  - 5-Digit

  DDU, DSCF, and DNDC entry levels

  Commercial eligible
  - SCF

  DSCF and DNDC entry levels

  Commercial eligible
  - NDC

  DNDC and Origin entry levels

  Commercial eligible
  - Mixed NDC

  Origin entry level

  Commercial eligible
  - ~~Regional Ground~~
  - ~~OSCF~~
  - ~~ONDC~~

2115.6 Prices

Destination Entered—DDU

a. DDU

Maximum weight (pounds)	DDU ($)
1	2.16
2	2.16
3	2.20
4	2.24
5	2.27
6	2.30
7	2.34
8	2.37
9	2.41
10	2.44
11	2.47
12	2.51
13	2.55
14	2.58
15	2.61
16	2.65
17	2.69
18	2.73
19	2.77
20	2.81
21	2.86
22	2.91
23	2.96
24	3.00
25	3.05
26	3.10
27	3.15
28	3.20
29	3.25
30	3.30
31	3.35
32	3.39
33	3.44
34	3.49
35	3.54
36	3.59
37	3.64
38	3.69
39	3.74
40	3.78
41	3.83
42	3.88
43	3.93
44	3.98
45	4.03
46	4.07
47	4.12
48	4.17
49	4.22
50	4.27
51	4.32
52	4.37
53	4.42
54	4.46
55	4.51
56	4.56
57	4.61
58	4.66
59	4.71
60	4.76
61	4.81
62	4.86
63	4.91
64	4.95
65	5.00
66	5.05
67	5.10
68	5.14
69	5.19
70	5.24
Oversized	8.24

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Destination Entered—DSCF

a. DSCF—5-Digit Machinable

Maximum weight (pounds)	DSCF 5-Digit ($)
1	2.97
2	2.97
3	3.16
4	3.35
5	3.55
6	3.75
7	3.94
8	4.12
9	4.30
10	4.47
11	4.63

Maximum weight (pounds)	DSCF 5-Digit ($)
12	4.79
13	4.94
14	5.09
15	5.24
16	5.39
17	5.54
18	5.69
19	5.83
20	5.98
21	6.13
22	6.29
23	6.45
24	6.60
25	6.75
26	6.90
27	7.05
28	7.20
29	7.35
30	7.49
31	7.64
32	7.79
33	7.94
34	8.09
35	8.24

b. DSCF—3-Digit, 5-Digit Non-Machinable

Maximum weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
1	3.97	2.97
2	3.97	2.97
3	4.16	3.16
4	4.35	3.35
5	4.55	3.55
6	4.75	3.75
7	4.94	3.94
8	5.12	4.12
9	5.30	4.30
10	5.47	4.47
11	5.63	4.63
12	5.79	4.79
13	5.94	4.94
14	6.09	5.09
15	6.24	5.24
16	6.39	5.39
17	6.54	5.54
18	6.69	5.69
19	6.83	5.83
20	6.98	5.98
21	7.13	6.13
22	7.29	6.29
23	7.45	6.45
24	7.60	6.60
25	7.75	6.75
26	7.90	6.90
27	8.05	7.05
28	8.20	7.20
29	8.35	7.35
30	8.49	7.49
31	8.64	7.64
32	8.79	7.79
33	8.94	7.94
34	9.09	8.09
35	9.24	8.24
36	9.38	8.38
37	9.52	8.52
38	9.67	8.67
39	9.82	8.82
40	9.96	8.96
41	10.10	9.10
42	10.24	9.24
43	10.38	9.38
44	10.51	9.51
45	10.65	9.65
46	10.79	9.79
47	10.93	9.93
48	11.06	10.06
49	11.20	10.20
50	11.34	10.34
51	11.48	10.48
52	11.62	10.62
53	11.76	10.76
54	11.91	10.91
55	12.06	11.06
56	12.20	11.20
57	12.36	11.36
58	12.52	11.52
59	12.68	11.68
60	12.84	11.84
61	12.99	11.99
62	13.13	12.13
63	13.28	12.28
64	13.43	12.43
65	13.58	12.58
66	13.73	12.73
67	13.88	12.88
68	14.03	13.03
69	14.18	13.18
70	14.33	13.33
Oversized	18.15	18.15

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Destination Entered—DNDC

a. DNDC—Machinable

Maximum weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	3.85	4.82	5.76	6.69
2	3.85	4.82	5.76	6.69
3	4.15	5.64	6.94	7.70
4	4.45	6.34	7.82	8.52
5	4.73	6.99	8.42	9.25
6	5.00	7.51	9.07	9.93
7	5.27	8.09	9.73	10.63
8	5.53	8.67	10.36	11.30
9	5.79	9.22	10.98	11.89
10	6.05	9.80	11.58	12.51
11	6.31	10.35	11.95	12.94
12	6.58	10.85	12.18	13.22
13	6.84	11.31	12.45	13.53
14	7.10	11.67	12.68	13.74
15	7.35	12.04	12.91	13.97
16	7.60	12.45	13.30	14.42
17	7.86	12.65	13.54	14.61
18	8.10	12.88	13.76	14.85
19	8.34	13.13	13.99	15.08
20	8.57	13.33	14.13	15.22
21	8.81	13.72	14.53	15.63
22	9.05	13.97	14.80	15.86
23	9.30	14.27	15.06	16.11

Maximum weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
24	9.54	14.51	15.32	16.32
25	9.79	14.70	15.51	16.49
26	10.03	14.98	15.83	16.70
27	10.27	15.29	16.11	16.95
28	10.51	15.52	16.33	17.15
29	10.75	15.74	16.56	17.40
30	10.97	16.01	16.81	17.66
31	11.20	16.46	17.31	18.20
32	11.43	16.72	17.58	18.44
33	11.66	16.96	17.81	18.71
34	11.89	17.19	18.12	19.04
35	12.13	17.37	18.33	19.23

b. DNDC—Non-Machinable

Maximum weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	6.21	7.18	8.12	9.05
2	6.21	7.18	8.12	9.05
3	6.51	8.00	9.30	10.06
4	6.81	8.70	10.18	10.88
5	7.09	9.35	10.78	11.61
6	7.36	9.87	11.43	12.29
7	7.63	10.45	12.09	12.99
8	7.89	11.03	12.72	13.66
9	8.15	11.58	13.34	14.25
10	8.41	12.16	13.94	14.87
11	8.67	12.71	14.31	15.30
12	8.94	13.21	14.54	15.58
13	9.20	13.67	14.81	15.89
14	9.46	14.03	15.04	16.10
15	9.71	14.40	15.27	16.33
16	9.96	14.81	15.66	16.78
17	10.22	15.01	15.90	16.97
18	10.46	15.24	16.12	17.21
19	10.70	15.49	16.35	17.44
20	10.93	15.69	16.49	17.58
21	11.17	16.08	16.89	17.99
22	11.41	16.33	17.16	18.22
23	11.66	16.63	17.42	18.47
24	11.90	16.87	17.68	18.68
25	12.15	17.06	17.87	18.85
26	12.39	17.34	18.19	19.06
27	12.63	17.65	18.47	19.31
28	12.87	17.88	18.69	19.51
29	13.11	18.10	18.92	19.76
30	13.33	18.37	19.17	20.02
31	13.56	18.82	19.67	20.56
32	13.79	19.08	19.94	20.80
33	14.02	19.32	20.17	21.07
34	14.25	19.55	20.48	21.40
35	14.49	19.73	20.69	21.59
36	14.72	19.96	20.98	21.89
37	14.95	20.20	21.27	22.19
38	15.18	20.44	21.54	22.50
39	15.41	20.69	21.82	22.78
40	15.64	20.89	22.11	23.08
41	15.87	21.19	22.31	23.35
42	16.10	21.36	22.49	23.58
43	16.33	21.57	22.66	23.86
44	16.55	21.85	22.90	24.18
45	16.77	22.05	23.29	24.43
46	16.99	22.53	23.72	25.11
47	17.21	22.74	23.89	25.75
48	17.43	23.02	24.11	26.46
49	17.64	23.30	24.34	27.17

Maximum weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
50	17.85	23.43	24.43	27.76
51	18.06	23.66	24.67	28.51
52	18.27	23.99	24.88	29.31
53	18.50	24.21	25.06	30.10
54	18.74	24.42	25.28	30.91
55	18.99	24.63	25.51	31.35
56	19.24	24.83	25.74	31.62
57	19.49	24.97	25.90	31.98
58	19.75	25.25	26.14	32.35
59	20.00	25.43	26.36	32.66
60	20.25	25.57	26.52	32.98
61	20.50	25.74	26.67	33.20
62	20.74	25.96	26.97	33.55
63	20.98	26.13	27.23	33.84
64	21.22	26.34	27.53	34.22
65	21.46	26.53	27.79	34.49
66	21.70	26.75	28.10	34.88
67	21.94	26.89	28.37	35.14
68	22.18	27.11	28.62	35.51
69	22.41	27.27	28.89	35.78
70	22.65	27.50	29.21	36.13
Oversized	28.31	39.96	54.13	56.26

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Non-Destination Entered—ONDC Presort

a. ONDC Presort

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	4.28	4.33	4.44	4.49	4.55	4.60	4.65
2	4.33	4.65	5.34	6.68	7.26	7.79	8.67
3	5.04	5.94	6.99	7.90	8.76	9.30	10.64
4	5.79	6.86	7.93	9.23	10.19	10.88	12.03
5	6.66	8.02	8.98	10.01	10.91	11.87	12.82
6	7.43	8.93	9.54	10.52	11.34	12.24	13.70
7	7.95	9.72	10.07	11.39	12.05	12.66	14.58
8	8.50	9.94	10.82	11.77	12.61	13.50	15.45
9	9.09	10.57	11.49	12.41	13.32	14.24	16.33
10	9.72	11.28	12.26	13.24	14.23	15.20	17.21
11	10.20	11.89	12.97	14.05	15.14	16.21	18.09
12	10.76	12.50	13.64	14.77	15.90	17.02	19.05
13	10.94	12.83	14.08	15.33	16.63	17.82	20.00
14	11.12	13.15	14.52	15.90	17.36	18.61	20.95
15	11.30	13.48	14.97	16.46	18.05	19.43	21.91
16	11.49	13.79	15.41	17.03	18.71	20.21	22.87
17	12.04	14.12	15.86	17.59	19.37	21.01	23.82
18	12.59	14.45	16.30	18.15	20.01	21.83	24.79
19	12.79	14.77	16.74	18.72	20.66	22.62	25.73
20	12.99	15.09	17.19	19.28	21.31	23.41	26.70
21	13.20	15.41	17.63	19.85	22.01	24.24	27.67
22	13.40	15.74	18.07	20.41	22.70	25.05	28.66
23	13.60	16.06	18.52	20.98	23.41	25.88	29.63
24	13.80	16.38	18.96	21.54	24.11	26.69	30.61
25	14.01	16.71	19.41	22.11	24.81	27.51	31.58
26	14.23	17.05	19.87	22.69	25.51	28.33	32.57
27	14.45	17.40	20.34	23.28	26.21	29.15	33.54
28	14.68	17.74	20.79	23.86	26.91	29.97	34.51
29	14.90	18.07	21.26	24.44	27.61	30.79	35.49

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
30	15.21	18.42	21.72	25.02	28.31	31.60	36.47
31	15.55	18.76	22.18	25.60	29.01	32.43	37.45
32	15.88	19.11	22.64	26.18	29.71	33.24	38.42
33	16.19	19.45	23.11	26.75	30.41	34.07	39.40
34	16.56	19.80	23.57	27.33	31.11	34.88	40.38
35	16.88	20.14	24.03	27.92	31.81	35.71	41.36
36	17.03	20.48	24.49	28.50	32.51	36.52	42.33
37	17.23	20.82	24.96	29.08	33.21	37.33	43.32
38	17.39	21.17	25.42	29.66	33.91	38.16	44.29
39	17.55	21.51	25.88	30.24	34.61	38.97	45.27
40	17.70	21.86	26.34	30.82	35.31	39.80	46.24
41	17.88	22.20	26.81	31.40	36.01	40.61	47.23
42	18.05	22.55	27.27	31.98	36.71	41.43	48.20
43	18.21	22.88	27.73	32.57	37.41	42.25	49.18
44	18.37	23.23	28.19	33.15	38.12	43.07	50.15
45	18.53	23.57	28.66	33.73	38.81	43.89	51.14
46	18.73	23.92	29.12	34.31	39.51	44.71	52.11
47	18.94	24.26	29.57	34.89	40.21	45.52	53.09
48	19.16	24.61	30.04	35.47	40.92	46.35	54.07
49	19.40	24.95	30.51	36.05	41.61	47.16	55.05
50	19.62	25.29	30.96	36.64	42.31	47.99	56.02
51	19.84	25.48	31.22	37.01	42.92	48.80	57.00
52	20.06	25.67	31.48	37.38	43.53	49.63	57.98
53	20.29	25.86	31.74	37.75	44.13	50.44	58.96
54	20.52	26.06	32.00	38.10	44.74	51.26	59.93
55	20.74	26.25	32.26	38.47	45.35	52.08	60.91
56	20.96	26.44	32.51	38.84	45.96	52.90	61.89
57	21.19	26.63	32.78	39.21	46.56	53.72	62.87
58	21.41	26.83	33.03	39.57	47.17	54.54	63.84
59	21.64	27.02	33.28	39.94	47.78	55.36	64.83
60	21.86	27.21	33.55	40.31	48.39	56.18	65.80
61	22.09	27.40	33.80	40.68	48.99	56.99	66.78
62	22.31	27.59	34.07	41.04	49.61	57.82	67.75
63	22.54	27.78	34.32	41.41	50.21	58.63	68.74
64	22.76	27.97	34.59	41.78	50.82	59.46	69.71
65	22.99	28.16	34.84	42.15	51.42	60.27	70.69
66	23.21	28.35	35.09	42.52	52.04	61.09	71.66
67	23.43	28.54	35.36	42.88	52.64	61.91	72.64
68	23.66	28.74	35.61	43.25	53.25	62.72	73.62
69	23.88	28.93	35.87	43.62	53.85	63.55	74.59
70	24.11	29.12	36.13	43.99	54.47	64.36	75.58
Oversized	68.68	77.23	78.94	81.30	102.88	111.43	119.98

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Non-Destination Entered—NDC Presort

a. NDC Presort

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.18	5.24	5.34	5.39	5.44	5.50	5.55
2	5.24	5.55	6.23	7.55	8.12	8.65	9.51
3	5.93	6.82	7.85	8.75	9.61	10.14	11.46
4	6.68	7.73	8.78	10.06	11.01	11.69	12.83
5	7.53	8.88	9.83	10.84	11.72	12.67	13.61
6	8.29	9.77	10.38	11.34	12.15	13.04	14.48
7	8.80	10.56	10.90	12.20	12.85	13.45	15.34
8	9.35	10.76	11.64	12.58	13.40	14.28	16.21
9	9.93	11.39	12.30	13.20	14.10	15.01	17.07
10	10.56	12.09	13.06	14.03	15.00	15.96	17.94

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
11	11.02	12.69	13.76	14.82	15.90	16.96	18.81
12	11.58	13.30	14.41	15.53	16.65	17.75	19.75
13	11.75	13.62	14.85	16.08	17.37	18.54	20.69
14	11.93	13.93	15.29	16.65	18.09	19.33	21.63
15	12.11	14.26	15.73	17.20	18.77	20.13	22.58
16	12.30	14.57	16.17	17.76	19.42	20.90	23.53
17	12.84	14.89	16.60	18.32	20.08	21.69	24.47
18	13.38	15.22	17.04	18.87	20.70	22.50	25.42
19	13.58	15.53	17.48	19.43	21.35	23.28	26.35
20	13.78	15.85	17.92	19.98	21.99	24.06	27.31
21	13.99	16.17	18.36	20.55	22.67	24.88	28.27
22	14.18	16.49	18.79	21.10	23.36	25.68	29.24
23	14.38	16.80	19.23	21.66	24.06	26.49	30.19
24	14.58	17.13	19.67	22.22	24.75	27.30	31.16
25	14.78	17.45	20.11	22.78	25.44	28.11	32.12
26	15.00	17.78	20.57	23.35	26.13	28.91	33.09
27	15.22	18.13	21.03	23.93	26.83	29.73	34.05
28	15.45	18.46	21.48	24.50	27.51	30.53	35.01
29	15.67	18.79	21.93	25.07	28.20	31.34	35.98
30	15.97	19.14	22.39	25.65	28.89	32.15	36.94
31	16.30	19.47	22.84	26.22	29.59	32.96	37.91
32	16.63	19.82	23.30	26.79	30.28	33.76	38.87
33	16.94	20.15	23.76	27.36	30.97	34.58	39.84
34	17.30	20.49	24.22	27.93	31.66	35.38	40.80
35	17.62	20.83	24.67	28.51	32.34	36.19	41.77
36	17.76	21.17	25.13	29.08	33.04	37.00	42.73
37	17.96	21.51	25.58	29.65	33.73	37.80	43.70
38	18.12	21.85	26.04	30.23	34.42	38.61	44.66
39	18.27	22.18	26.49	30.80	35.11	39.41	45.63
40	18.43	22.53	26.95	31.37	35.81	40.23	46.59
41	18.61	22.86	27.41	31.95	36.49	41.03	47.56
42	18.77	23.21	27.87	32.52	37.18	41.85	48.52
43	18.93	23.54	28.32	33.09	37.87	42.65	49.49
44	19.09	23.88	28.78	33.67	38.57	43.46	50.45
45	19.24	24.22	29.24	34.24	39.26	44.26	51.42
46	19.44	24.56	29.69	34.82	39.95	45.08	52.38
47	19.65	24.90	30.14	35.39	40.64	45.88	53.35
48	19.87	25.24	30.60	35.96	41.33	46.70	54.31
49	20.10	25.57	31.06	36.54	42.02	47.50	55.28
50	20.32	25.92	31.51	37.11	42.71	48.31	56.24
51	20.54	26.11	31.77	37.47	43.32	49.11	57.21
52	20.76	26.29	32.02	37.84	43.91	49.93	58.17
53	20.99	26.48	32.28	38.21	44.50	50.73	59.14
54	21.20	26.67	32.53	38.56	45.11	51.55	60.10
55	21.42	26.86	32.79	38.92	45.70	52.35	61.07
56	21.64	27.04	33.04	39.29	46.31	53.16	62.03
57	21.87	27.23	33.30	39.65	46.90	53.96	63.00
58	22.09	27.43	33.55	40.01	47.51	54.78	63.96
59	22.31	27.62	33.80	40.37	48.10	55.58	64.93
60	22.53	27.81	34.06	40.74	48.71	56.40	65.89
61	22.76	27.99	34.31	41.10	49.30	57.20	66.86
62	22.98	28.18	34.58	41.46	49.91	58.01	67.82
63	23.20	28.37	34.83	41.82	50.50	58.81	68.79
64	23.42	28.56	35.09	42.19	51.11	59.63	69.75
65	23.64	28.75	35.34	42.55	51.70	60.43	70.72
66	23.86	28.93	35.59	42.92	52.31	61.24	71.67
67	24.08	29.12	35.85	43.27	52.90	62.05	72.63
68	24.30	29.32	36.10	43.64	53.51	62.85	73.60
69	24.52	29.51	36.36	44.00	54.10	63.66	74.56
70	24.75	29.69	36.61	44.37	54.71	64.47	75.53
Oversized	68.73	77.17	78.85	81.19	102.47	110.91	119.35

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or

forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Non-Destination Entered—Nonpresort

a. Nonpresort

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.42	5.47	5.57	5.63	5.68	5.73	5.78
2	5.47	5.75	6.43	7.76	8.33	8.85	9.71
3	6.14	7.02	8.05	8.98	9.84	10.37	11.69
4	6.88	7.93	8.98	10.29	11.24	11.92	13.06
5	7.76	9.08	10.02	11.07	11.92	12.87	13.81
6	8.52	10.00	10.59	11.57	12.35	13.23	14.67
7	9.03	10.78	11.13	12.43	13.05	13.68	15.54
8	9.54	10.99	11.84	12.81	13.62	14.47	16.40
9	10.13	11.59	12.49	13.40	14.30	15.20	17.27
10	10.75	12.29	13.25	14.22	15.19	16.15	18.13
11	11.22	12.89	13.95	15.02	16.09	17.15	19.00
12	11.77	13.49	14.61	15.72	16.84	17.94	19.94
13	11.95	13.82	15.05	16.28	17.56	18.74	20.88
14	12.13	14.13	15.48	16.84	18.28	19.52	21.82
15	12.31	14.45	15.92	17.39	18.96	20.32	22.77
16	12.49	14.77	16.36	17.95	19.61	21.09	23.72
17	13.04	15.09	16.80	18.51	20.27	21.88	24.65
18	13.58	15.41	17.23	19.06	20.89	22.68	25.60
19	13.78	15.72	17.67	19.62	21.54	23.47	26.53
20	13.97	16.05	18.11	20.17	22.17	24.25	27.49
21	14.18	16.36	18.55	20.74	22.86	25.06	28.45
22	14.38	16.68	18.99	21.29	23.55	25.86	29.42
23	14.58	17.00	19.42	21.85	24.25	26.68	30.37
24	14.78	17.32	19.86	22.40	24.94	27.48	31.34
25	14.97	17.64	20.30	22.97	25.62	28.29	32.30
26	15.19	17.97	20.76	23.54	26.31	29.09	33.27
27	15.41	18.32	21.22	24.11	27.01	29.91	34.23
28	15.64	18.65	21.66	24.68	27.70	30.71	35.19
29	15.86	18.99	22.12	25.26	28.38	31.52	36.16
30	16.19	19.33	22.58	25.83	29.07	32.32	37.12
31	16.53	19.66	23.03	26.40	29.77	33.14	38.09
32	16.85	20.01	23.49	26.98	30.46	33.94	39.04
33	17.16	20.34	23.95	27.54	31.15	34.75	40.01
34	17.53	20.68	24.40	28.11	31.83	35.55	40.97
35	17.84	21.02	24.85	28.69	32.52	36.37	41.94
36	17.98	21.36	25.31	29.26	33.22	37.17	42.90
37	18.18	21.69	25.77	29.83	33.91	37.97	43.87
38	18.34	22.04	26.23	30.41	34.59	38.78	44.83
39	18.50	22.37	26.68	30.98	35.28	39.59	45.80
40	18.65	22.72	27.13	31.55	35.98	40.40	46.75
41	18.83	23.05	27.59	32.12	36.67	41.20	47.72
42	19.00	23.39	28.05	32.70	37.36	42.01	48.68
43	19.15	23.73	28.50	33.27	38.04	42.82	49.65
44	19.31	24.07	28.96	33.84	38.74	43.63	50.61
45	19.46	24.40	29.42	34.42	39.43	44.43	51.58
46	19.66	24.75	29.87	34.99	40.12	45.24	52.54
47	19.84	25.08	30.32	35.56	40.80	46.05	53.51
48	20.06	25.42	30.78	36.14	41.50	46.86	54.47
49	20.29	25.76	31.24	36.71	42.19	47.66	55.43
50	20.51	26.10	31.69	37.28	42.88	48.47	56.39
51	20.73	26.29	31.95	37.65	43.48	49.28	57.36
52	20.94	26.48	32.20	38.01	44.08	50.09	58.32
53	21.17	26.66	32.46	38.38	44.67	50.89	59.29
54	21.39	26.85	32.71	38.73	45.27	51.70	60.25
55	21.61	27.04	32.97	39.10	45.87	52.51	61.22
56	21.83	27.23	33.22	39.46	46.47	53.32	62.18
57	22.06	27.42	33.48	39.83	47.07	54.12	63.15
58	22.28	27.61	33.73	40.18	47.67	54.93	64.10
59	22.50	27.80	33.98	40.54	48.27	55.74	65.07
60	22.72	27.99	34.24	40.91	48.87	56.55	66.03
61	22.94	28.18	34.49	41.27	49.46	57.35	67.00
62	23.16	28.36	34.75	41.63	50.07	58.16	67.96
63	23.38	28.55	35.00	41.99	50.66	58.97	68.93
64	23.60	28.74	35.26	42.36	51.27	59.78	69.89
65	23.83	28.93	35.51	42.72	51.86	60.58	70.86
66	24.05	29.11	35.76	43.09	52.46	61.39	71.81
67	24.27	29.30	36.02	43.44	53.06	62.20	72.77
68	24.49	29.50	36.27	43.81	53.66	63.00	73.74

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
69	24.71	29.69	36.53	44.17	54.26	63.81	74.70
70	24.94	29.87	36.78	44.54	54.86	64.61	75.67
Oversized	64.40	67.37	68.71	70.74	94.74	100.89	111.66

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

MACHINABLE LIGHTWEIGHT PARCELS

[3.5 ounces or greater]

Maximum weight (ounces)	Entry point/sortation level					
	DDU/5-Digit ($)	DSCF/5-Digit ($)	DNDC/5-Digit ($)	DNDC/NDC ($)	None/NDC ($)	None/mixed NDC ($)
1	N/A	N/A	N/A	N/A	N/A	N/A
2	N/A	N/A	N/A	N/A	N/A	N/A
3	N/A	N/A	N/A	N/A	N/A	N/A
4	0.92	0.95	1.01	1.36	1.40	1.81
5	0.94	0.98	1.06	1.41	1.46	1.87
6	0.97	1.02	1.11	1.45	1.52	1.93
7	1.00	1.06	1.17	1.51	1.60	2.01
8	1.02	1.09	1.21	1.55	1.65	2.06
9	1.05	1.13	1.26	1.60	1.71	2.12
10	1.08	1.17	1.31	1.65	1.78	2.19
11	1.10	1.21	1.37	1.71	1.85	2.26
12	1.13	1.25	1.42	1.77	1.92	2.32
13	1.16	1.29	1.48	1.83	1.99	2.39
14	1.18	1.33	1.53	1.88	2.06	2.46
15	1.21	1.37	1.59	1.94	2.13	2.53
16	1.24	1.42	1.65	2.00	2.21	2.61

IRREGULAR LIGHTWEIGHT PARCELS

Maximum weight (ounces)	Entry point/sortation level							
	DDU/5-Digit ($)	DSCF/ 5-Digit ($)	DNDC/ 5-Digit ($)	DSCF/SCF ($)	DNDC/SCF ($)	DNDC/NDC ($)	None/NDC ($)	None/mixed NDC ($)
1	0.90	0.92	0.98	0.96	1.02	1.44	1.48	1.93
2	0.90	0.92	0.98	0.96	1.02	1.44	1.48	1.93
3	0.90	0.92	0.98	0.96	1.02	1.44	1.48	1.93
4	0.92	0.95	1.01	0.99	1.05	1.48	1.52	1.99
5	0.94	0.98	1.06	1.02	1.10	1.53	1.58	2.05
6	0.97	1.02	1.11	1.06	1.15	1.57	1.64	2.11
7	1.00	1.06	1.17	1.10	1.21	1.63	1.72	2.19
8	1.02	1.09	1.21	1.13	1.25	1.67	1.77	2.24
9	1.05	1.13	1.26	1.17	1.30	1.72	1.83	2.30
10	1.08	1.17	1.31	1.21	1.35	1.77	1.90	2.37
11	1.10	1.21	1.37	1.25	1.41	1.83	1.97	2.44
12	1.13	1.25	1.42	1.29	1.46	1.89	2.04	2.50
13	1.16	1.29	1.48	1.33	1.52	1.95	2.11	2.57
14	1.18	1.33	1.53	1.37	1.57	2.00	2.18	2.64
15	1.21	1.37	1.59	1.41	1.63	2.06	2.25	2.71
16	1.24	1.42	1.65	1.46	1.69	2.12	2.33	2.79

~~*Regional Ground*~~

~~a. OSCF~~

~~Weight (Pounds)~~	~~Zones L, 1, 2, 3 ($)~~
~~1~~	~~4.03~~
~~2~~	~~4.03~~
~~3~~	~~4.85~~
~~4~~	~~5.18~~
~~5~~	~~5.43~~

~~b. ONDC~~

~~Weight (Pounds)~~	~~Zones L, 1, 2, 3 ($)~~
~~1~~	~~3.78~~
~~2~~	~~3.78~~
~~3~~	~~4.60~~
~~4~~	~~4.93~~
~~5~~	~~5.18~~

2120 Parcel Return Service

a. Parcel Return Service mail consists of returned merchandise meeting preparation and entry requirements, which is retrieved or delivered in bulk ~~at designated facilities~~, with postage paid by the addressee.

b. Any mailable matter may be mailed as Parcel Return Service mail, except matter required to be mailed by First-Class Mail or Priority Mail services; as Customized MarketMail pieces; and publications required to be entered as Periodicals mail.

c. Parcel Return Service mail is not sealed against postal inspection. Mailing of matter as such constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

d. Undeliverable-as-addressed Parcel Return Service pieces will be forwarded on request of the addressee or forwarded or returned on request of the mailer, subject to the applicable ~~Parcel~~ Standard Post price when forwarded or returned from one Post Office location to another. Pieces which combine Parcel Return Service matter with First-Class Mail or Standard Mail matter will be forwarded or returned if undeliverable-as-addressed, as specified in the Domestic Mail Manual.

e. Payment of an annual mailing permit fee and an account maintenance fee are required for Parcel Return Service (1505.2).

Attachments and Enclosures

a. First-Class Mail or Standard Mail pieces may be attached to or enclosed in Parcel Return Service mail. Additional postage may be required. Parcel Return Service mail may have limited written additions placed on the wrapper, on a tag or label attached to the outside of the parcel, or inside the parcel, either loose or attached to the article.

2120.3 Minimum Volume Requirements

PRS Full network	50,000 Pieces annually
Minimum Volume Requirements	
All other Parcel Return Service.	none.

2120.4 Price Categories

- RNDC—Contains merchandise and is retrieved in bulk at a network distribution center, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Balloon Price
  - Oversized
- RSCF—Contains merchandise and is retrieved in bulk at a return sectional center facility, or other equivalent facility
- Machinable
- Nonmachinable
- Balloon Price
- Oversized
- RDU—Contains merchandise and is retrieved in bulk at a designated destination delivery unit, or other equivalent facility
- Machinable
- Nonmachinable
- Oversized
- *PRS Full Network—Contains merchandise and is delivered in bulk to addressee*
- *Balloon Price*
- *Oversized*

* * * * *

2120.6 Prices

RNDC Entered

a. Machinable RNDC

Maximum weight (pounds)	RNDC ($)
1	3.65
2	3.99
3	4.34
4	4.59
5	4.94
6	5.29
7	5.64
8	5.99
9	6.34
10	6.69
11	6.99
12	7.29
13	7.59
14	7.89
15	8.19
16	8.44
17	8.69
18	8.94
19	9.19
20	9.44
21	9.64
22	9.84
23	10.04
24	10.24
25	10.42
26	10.58
27	10.74
28	10.90
29	11.06
30	11.20
31	11.34
32	11.48
33	11.62
34	11.74
35	11.86

b. Nonmachinable RNDC

Maximum weight (pounds)	RNDC ($)
1	6.07
2	6.41
3	6.76
4	7.01
5	7.36
6	7.71
7	8.06
8	8.41
9	8.76
10	9.11

Maximum weight (pounds)	RNDC ($)
11	9.41
12	9.71
13	10.01
14	10.31
15	10.61
16	10.86
17	11.11
18	11.36
19	11.61
20	11.86
21	12.06
22	12.26
23	12.46
24	12.66
25	12.84
26	13.00
27	13.16
28	13.32
29	13.48
30	13.62
31	13.76
32	13.90
33	14.04
34	14.16
35	14.28
36	14.40
37	14.52
38	14.62
39	14.72
40	14.82
41	14.90
42	14.98
43	15.06
44	15.14
45	15.22
46	15.30
47	15.38
48	15.45
49	15.52
50	15.59
51	15.66
52	15.72
53	15.78
54	15.84
55	15.89
56	15.94
57	15.99
58	16.04
59	16.08
60	16.12
61	16.16
62	16.20
63	16.24
64	16.28
65	16.31
66	16.34
67	16.37
68	16.40
69	16.42
70	16.47
Oversized	34.20

c. Balloon Price

RNDC entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

RSCF Entered

a. Machinable RSCF

Maximum weight (pounds)	RSCF ($)
1	2.94
2	3.29
3	3.52
4	3.75
5	3.98
6	4.26
7	4.51
8	4.76
9	5.04
10	5.29
11	5.56
12	5.83
13	6.09
14	6.36
15	6.62
16	6.87
17	7.12
18	7.37
19	7.62
20	7.87
21	8.07
22	8.27
23	8.47
24	8.67
25	8.83
26	8.99
27	9.15
28	9.31
29	9.47
30	9.63
31	9.79
32	9.95
33	10.11
34	10.27
35	10.43

b. Nonmachinable RSCF

Maximum weight (pounds)	RSCF ($)
1	5.36
2	5.71
3	5.94
4	6.17
5	6.40
6	6.68
7	6.93
8	7.18
9	7.46
10	7.71
11	7.98
12	8.25
13	8.51
14	8.78
15	9.04
16	9.29
17	9.54
18	9.79
19	10.04
20	10.29
21	10.49
22	10.69
23	10.89
24	11.09
25	11.25
26	11.41
27	11.57
28	11.73
29	11.89
30	12.05
31	12.21
32	12.37
33	12.53
34	12.69
35	12.85
36	13.01
37	13.17
38	13.29
39	13.41
40	13.53
41	13.65
42	13.77
43	13.89
44	13.97
45	14.05
46	14.13
47	14.21
48	14.26
49	14.31
50	14.36
51	14.41
52	14.46
53	14.51
54	14.56
55	14.61
56	14.66
57	14.71
58	14.75
59	14.79
60	14.83
61	14.87
62	14.91
63	14.95
64	14.97
65	14.99
66	15.01
67	15.03
68	15.05
69	15.07
70	15.09
Oversized	24.31

c. Balloon Price

RSCF entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

RDU Entered

a. Machinable RDU

Maximum weight (pounds)	RDU ($)
1	2.24
2	2.26
3	2.28
4	2.30
5	2.32
6	2.34
7	2.36
8	2.38
9	2.40
10	2.42
11	2.45
12	2.49
13	2.54
14	2.59
15	2.67
16	2.74
17	2.82
18	2.88
19	2.96
20	3.02
21	3.08
22	3.13
23	3.19
24	3.24
25	3.31
26	3.36
27	3.41
28	3.45
29	3.50
30	3.54
31	3.58
32	3.64
33	3.68
34	3.71
35	3.75

b. Nonmachinable RDU

Maximum weight (pounds)	RDU ($)
1	2.24
2	2.26
3	2.28
4	2.30
5	2.32
6	2.34
7	2.36
8	2.38
9	2.40
10	2.42
11	2.45
12	2.49
13	2.54
14	2.59
15	2.67
16	2.74
17	2.82
18	2.88
19	2.96
20	3.02
21	3.08
22	3.13
23	3.19
24	3.24
25	3.31
26	3.36
27	3.41
28	3.45
29	3.50
30	3.54
31	3.58
32	3.64
33	3.68
34	3.71
35	3.75
36	3.80
37	3.83
38	3.87
39	3.90
40	3.93
41	3.97
42	4.00
43	4.03
44	4.06
45	4.09
46	4.12
47	4.14
48	4.17
49	4.20
50	4.22
51	4.24
52	4.28
53	4.31
54	4.33
55	4.35
56	4.38
57	4.40
58	4.42
59	4.44
60	4.45
61	4.47
62	4.49
63	4.51
64	4.53
65	4.54
66	4.56
67	4.57
68	4.59
69	4.61
70	4.62
Oversized	7.91

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

PRS FULL NETWORK

Maximum weight (pounds)	*Zones 1 & 2* ($)	*Zone 3* ($)	*Zone 4* ($)	*Zone 5* ($)	*Zone 6* ($)	*Zone 7* ($)	*Zone 8* ($)
1	*4.69*	*4.96*	*5.04*	*5.24*	*5.46*	*5.53*	*5.62*
2	*4.96*	*5.26*	*5.66*	*5.76*	*6.06*	*6.17*	*6.36*
3	*5.03*	*5.46*	*5.92*	*6.09*	*6.39*	*6.55*	*6.98*
4	*5.14*	*5.61*	*6.19*	*6.45*	*6.68*	*6.95*	*7.44*
5	*5.28*	*5.68*	*6.43*	*6.69*	*6.92*	*7.22*	*7.81*
6	*5.41*	*5.83*	*6.52*	*6.84*	*7.02*	*7.42*	*7.98*
7	*5.65*	*5.99*	*6.64*	*7.00*	*7.22*	*7.60*	*8.22*
8	*5.86*	*6.13*	*6.80*	*7.12*	*7.42*	*7.92*	*8.66*
9	*5.96*	*6.28*	*6.90*	*7.26*	*7.56*	*8.31*	*9.17*
10	*8.18*	*8.39*	*9.37*	*9.96*	*10.51*	*11.86*	*13.08*
11	*8.88*	*9.18*	*9.98*	*10.66*	*11.45*	*13.24*	*14.57*
12	*9.11*	*9.43*	*10.15*	*10.82*	*11.93*	*14.00*	*15.52*
13	*9.34*	*9.66*	*10.27*	*11.06*	*12.44*	*14.82*	*16.49*
14	*9.52*	*9.93*	*10.44*	*11.30*	*13.12*	*15.56*	*17.40*
15	*9.69*	*10.23*	*10.61*	*11.55*	*13.75*	*16.34*	*18.33*
16	*9.84*	*10.36*	*10.68*	*11.76*	*14.26*	*16.90*	*19.06*
17	*9.93*	*10.68*	*11.00*	*12.22*	*14.98*	*17.78*	*20.04*
18	*10.06*	*10.87*	*11.31*	*12.83*	*15.65*	*18.54*	*21.03*
19	*10.18*	*11.23*	*11.72*	*13.37*	*16.31*	*19.31*	*22.03*
20	*10.36*	*11.58*	*12.10*	*13.94*	*17.01*	*20.08*	*23.01*
21	*10.52*	*11.89*	*12.46*	*14.51*	*17.67*	*20.86*	*23.92*
22	*10.76*	*12.24*	*12.90*	*15.03*	*18.38*	*21.65*	*24.94*
23	*10.99*	*12.61*	*13.29*	*15.54*	*19.05*	*22.42*	*25.93*
24	*11.19*	*12.91*	*13.69*	*16.04*	*19.76*	*23.17*	*26.92*
25	*15.34*	*17.26*	*18.59*	*22.00*	*27.47*	*33.08*	*38.41*

PRS FULL NETWORK—Continued

Maximum weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	15.70	18.08	19.31	22.73	28.31	33.01	38.57
27	16.04	18.50	19.75	23.40	29.23	34.06	39.88
28	16.32	18.93	20.36	24.10	30.13	35.05	41.23
29	16.64	19.29	20.92	24.65	30.97	35.91	42.46
30	17.04	19.74	21.54	25.35	31.91	36.90	43.78
31	17.29	20.05	22.01	26.02	32.77	37.88	44.99
32	17.41	20.46	22.58	26.75	33.69	38.90	46.33
33	17.74	20.92	23.13	27.44	34.56	39.92	47.58
34	17.90	21.38	23.63	28.13	35.50	40.95	48.91
35	18.20	21.84	24.16	28.79	36.39	41.98	50.17
36	18.45	22.05	24.58	29.49	37.27	43.00	51.25
37	18.77	22.54	25.04	30.13	38.07	43.98	52.23
38	19.05	22.87	25.59	30.83	38.90	45.03	53.18
39	19.31	23.32	26.16	31.46	40.13	46.49	54.25
40	19.50	23.84	26.72	32.10	40.92	47.46	55.14
41	19.75	24.16	27.18	32.71	41.63	48.35	55.88
42	20.05	24.44	27.68	33.30	42.29	49.23	56.74
43	20.29	24.85	28.23	33.99	43.06	50.24	57.72
44	20.55	25.27	28.70	34.59	43.82	51.27	58.32
45	20.77	25.66	29.23	35.26	44.56	52.29	59.28
46	20.98	26.02	29.58	35.90	45.27	53.33	60.25
47	21.15	26.22	30.03	36.49	45.89	54.34	61.21
48	21.36	26.50	30.42	37.09	46.55	55.38	62.18
49	21.54	26.78	30.81	37.72	47.14	56.39	63.12
50	21.71	27.02	31.17	37.84	47.38	56.98	64.08
51	21.83	27.20	31.39	38.07	47.79	57.73	64.44
52	22.01	27.37	31.61	38.57	48.26	58.50	65.38
53	22.17	27.64	31.75	39.05	48.73	59.10	66.33
54	22.36	27.85	32.12	39.56	49.23	59.53	67.17
55	22.55	28.03	32.39	40.14	49.58	59.73	67.94
56	22.70	28.31	32.69	40.69	49.88	59.82	68.78
57	22.98	28.55	32.96	41.26	50.40	60.26	69.48
58	23.20	28.79	33.26	41.69	50.96	60.63	70.04
59	23.40	29.07	33.62	42.09	51.42	60.96	70.56
60	23.63	29.34	33.95	42.39	51.87	61.28	71.01
61	23.87	29.57	34.23	42.87	52.32	61.64	71.42
62	24.04	29.78	34.47	43.24	52.68	61.99	71.85
63	24.22	30.06	34.72	43.60	53.02	62.39	72.29
64	24.44	30.38	35.00	43.90	53.39	62.80	72.70
65	24.63	30.71	35.37	44.19	53.84	63.11	73.12
66	24.83	31.07	35.76	44.49	54.38	63.43	73.65
67	25.02	31.39	36.11	44.74	54.82	63.74	73.85
68	25.20	31.70	36.44	45.00	55.11	64.10	74.01
69	25.43	31.94	36.78	45.24	55.40	64.42	74.21
70	25.59	32.22	37.02	45.41	55.52	64.64	74.86
Oversized	66.02	69.06	70.43	72.51	97.11	103.41	114.45

a. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

b. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

2125 First-Class Package Service

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2125.6 Prices

COMMERCIAL PLUS

Weight* (ounces)	5-Digit ($)	3-Digit ($)	ADC ($)	Mixed ADC/ single-piece ($)
≥3.5 and <16	3.37	3.57	3.77	4.05

* ~~For parcels claiming 3-Digit or ADC prices, a $0.05 surcharge applies if the parcels are not barcoded.~~ Certain parcels may be subject to a $0.08 surcharge, as specified by the Postal Service.

COMMERCIAL BASE

Maximum weight * (ounces)	5-Digit ($)	3-Digit ($)	ADC ($)	Mixed ADC/ single-piece ($)
1	1.25	1.38	1.47	1.69
2	1.25	1.38	1.47	1.69
3	1.25	1.38	1.47	1.69
4	1.42	1.55	1.64	1.86
5	1.60	1.73	1.82	2.04
6	1.77	1.90	1.99	2.21
7	1.95	2.08	2.17	2.39
8	2.11	2.24	2.33	2.55
9	2.29	2.42	2.51	2.73
10	2.46	2.59	2.68	2.90
11	2.64	2.77	2.86	3.08
12	2.79	2.92	3.01	3.23
13	2.94	3.07	3.16	3.38

* ~~For parcels claiming 3-Digit or ADC prices, a $0.05 surcharge applies if the parcels are not barcoded or are nonmachinable.~~ Certain parcels may be subject to a $0.08 surcharge, as specified by the Postal Service.

2135 ~~Parcel~~ Standard Post

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2135.6 Prices

~~Parcel~~ Standard Post Zone/Weight

Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.60	5.70	5.85	5.95	6.15	6.35	6.85
2	5.80	6.15	6.85	7.53	8.16	8.92	9.79
3	6.60	7.60	8.75	8.91	10.01	10.81	12.77
4	7.45	8.90	10.05	10.40	10.75	12.07	13.58
5	8.85	10.20	11.50	11.64	11.76	12.66	14.20
6	9.75	11.25	12.90	13.12	13.20	14.20	16.05
7	10.35	12.20	13.90	14.39	14.61	15.98	18.02
8	11.10	13.30	15.55	15.66	16.05	17.62	20.20
9	11.85	14.35	16.85	16.97	17.45	19.06	22.48
10	12.65	15.40	18.35	18.45	18.86	20.97	24.46
11	13.50	16.45	19.80	19.94	20.23	23.15	26.87
12	14.45	17.65	21.20	21.31	22.01	25.02	28.84
13	15.35	18.75	22.40	22.49	23.62	26.03	29.88
14	16.25	19.90	23.75	23.91	24.92	27.50	31.36
15	16.95	21.00	25.05	25.29	26.00	28.11	32.26
16	17.01	21.60	25.79	26.68	27.47	29.68	34.04
17	17.11	21.70	25.89	26.80	27.59	29.81	34.17
18	17.20	21.80	25.99	26.92	27.71	29.94	34.31
19	17.30	21.91	26.08	27.04	27.83	30.07	34.45
20	17.39	22.01	26.18	27.15	27.96	30.21	34.58
21	17.49	22.11	26.28	27.27	28.08	30.34	34.72
22	17.58	22.22	26.38	27.39	28.20	30.47	34.86
23	17.68	22.32	26.48	27.51	28.33	30.61	35.00
24	17.78	22.43	26.58	27.64	28.45	30.74	35.14
25	17.87	22.54	26.68	27.76	28.58	30.88	35.28
26	17.97	22.64	26.79	27.88	28.70	31.01	35.42
27	18.07	22.75	26.89	28.00	28.83	31.15	35.56
28	18.17	22.86	26.99	28.12	28.96	31.29	35.71

Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
29	18.27	22.97	27.09	28.25	29.08	31.42	35.85
30	18.37	23.08	27.20	28.37	29.21	31.56	35.99
31	18.47	23.19	27.30	28.50	29.34	31.70	36.14
32	18.57	23.30	27.40	28.62	29.47	32.10	37.06
33	18.68	23.41	27.51	28.75	29.60	32.87	37.96
34	18.78	23.52	27.61	28.88	29.73	33.60	38.87
35	18.88	23.63	27.72	29.00	29.86	34.37	39.77
36	18.99	23.74	27.82	29.13	30.36	35.12	40.67
37	19.09	23.86	27.93	29.26	30.99	35.86	41.56
38	19.20	23.97	28.03	29.39	31.59	36.61	42.49
39	19.30	24.08	28.14	29.52	32.19	37.36	43.39
40	19.41	24.20	28.25	29.65	32.81	38.10	44.29
41	19.51	24.31	28.35	29.78	33.43	38.84	45.20
42	19.62	24.43	28.46	29.91	34.04	39.60	46.09
43	19.73	24.54	28.57	30.04	34.64	40.35	46.99
44	19.84	24.66	28.68	30.17	35.26	41.11	47.91
45	19.95	24.78	28.79	30.30	35.86	41.88	48.81
46	20.06	24.90	28.90	30.44	36.49	42.62	49.72
47	20.17	25.01	29.01	30.57	37.11	43.38	50.62
48	20.28	25.13	29.12	30.71	37.71	44.14	51.53
49	20.39	25.25	29.23	31.18	38.33	44.91	52.44
50	20.50	25.37	29.34	31.65	38.95	45.63	53.35
51	20.61	25.49	29.45	32.12	39.57	46.44	54.26
52	20.73	25.61	29.56	32.62	40.17	47.29	55.17
53	20.84	25.74	29.67	33.10	40.80	48.18	56.06
54	20.96	25.86	29.79	33.58	41.40	48.36	56.98
55	21.07	25.98	29.90	34.08	42.04	49.26	57.88
56	21.19	26.10	30.01	34.56	42.64	49.94	58.79
57	21.30	26.23	30.13	35.04	43.28	50.68	59.71
58	21.42	26.35	30.24	35.55	43.89	51.58	60.60
59	21.54	26.48	30.36	36.03	44.49	52.37	61.51
60	21.66	26.60	30.47	36.51	45.13	53.15	62.44
61	21.78	26.73	30.59	37.00	45.74	53.93	63.32
62	21.90	26.86	30.70	37.50	46.35	54.72	64.23
63	22.02	26.98	30.93	37.99	46.99	55.47	65.15
64	22.14	27.11	31.30	38.46	47.60	56.26	66.03
65	22.26	27.24	31.64	38.95	48.22	56.81	66.94
66	22.48	27.37	32.02	39.47	48.86	57.59	67.85
67	22.71	27.50	32.36	39.95	49.47	58.38	68.74
68	22.93	27.63	32.74	40.44	50.56	59.18	69.64
69	23.34	27.76	33.51	41.36	51.32	60.26	70.74
70	24.04	27.89	34.28	42.29	52.09	61.35	71.84
Oversized	62.42	65.30	66.60	68.57	91.83	97.79	108.23

Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

Pickup On Demand Service

Add ~~$15.30~~$20.00 for each Pickup On Demand stop

2300 International Products

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2303 Outbound Single-Piece First-Class Package International Service

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2303.4 Price Categories

The following price categories are available for the product specified in this section:

- Packages: Small Packets, including Rolls
- Price Groups 1–9
- *Commercial Base—For selected destination countries, available for customers who prepare and pay for First-Class Package International Service shipments via permit imprint when used in conjunction with Postal Service-supplied or other approved software that electronically transmits Customs-related functions, online at USPS.com, or by using an authorized PC Postage vendor. The discount applies only to the postage portion of First-Class Package International Service prices.*
- *Commercial Plus—For selected destination countries, available for customers who use specifically authorized postage payment methods and must tender at least $100,000 per year of any combination of Express Mail International, Global Express*

Guaranteed, Priority Mail International, or First-Class Package International Service items. The discount applies only to the postage portion of First-Class Package International Service prices.

- Fee for Return of Undeliverable as Addressed Outbound U.S. Origin Mail Posted through a Foreign Postal Administration or Operator—A fee is charged for the return of an undeliverable-as-addressed Outbound Single-Piece First-Class Package International Service item bearing a U.S. return address which was originally posted to an international addressee through a foreign postal administration, consolidator, or operator.

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2303.6 Prices

FIRST-CLASS PACKAGE INTERNATIONAL SERVICE RETAIL PRICES

Maximum weight (ounces)	Country price group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	6.55	6.55	6.55	6.55	6.55	6.55	6.55	6.55	6.55
2	6.55	6.55	6.55	6.55	6.55	6.55	6.55	6.55	6.55
3	7.35	8.85	9.45	9.45	9.45	9.15	9.15	9.15	9.15
4	7.35	8.85	9.45	9.45	9.45	9.15	9.15	9.15	9.15
5	8.55	11.55	12.75	12.75	12.75	12.15	12.15	12.15	12.15
6	8.55	11.55	12.75	12.75	12.75	12.15	12.15	12.15	12.15
7	8.55	11.55	12.75	12.75	12.75	12.15	12.15	12.15	12.15
8	8.55	11.55	12.75	12.75	12.75	12.15	12.15	12.15	12.15
12	9.15	13.50	14.90	14.90	14.90	14.30	14.30	14.30	14.30
16	10.55	15.05	16.75	16.75	16.75	16.25	16.25	16.25	16.25
20	11.95	16.60	18.60	18.60	18.60	18.20	18.20	18.20	18.20
24	13.35	18.15	20.45	20.45	20.45	20.15	20.15	20.15	20.15
28	14.75	19.70	22.30	22.30	22.30	22.10	22.10	22.10	22.10
32	16.15	21.25	24.15	24.15	24.15	24.05	24.05	24.05	24.05
36	17.55	22.80	26.00	26.00	26.00	26.00	26.00	26.00	26.00
40	18.95	24.35	27.85	27.85	27.85	27.95	27.95	27.95	27.95
44	20.35	25.90	29.70	29.70	29.70	29.90	29.90	29.90	29.90
48	21.75	27.45	31.55	31.55	31.55	31.85	31.85	31.85	31.85
52	23.15	29.00	33.40	33.40	33.40	33.80	33.80	33.80	33.80
56	24.55	30.55	35.25	35.25	35.25	35.75	35.75	35.75	35.75
60	25.95	32.10	37.10	37.10	37.10	37.70	37.70	37.70	37.70
64	27.35	33.65	38.95	38.95	38.95	39.65	39.65	39.65	39.65

FIRST-CLASS PACKAGE INTERNATIONAL SERVICE COMMERCIAL BASE PRICES

Maximum weight (ounces)	Country price group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	6.16	6.16	6.16	6.16	6.16	6.16	6.16	6.16	6.16
2	6.16	6.16	6.16	6.16	6.16	6.16	6.16	6.16	6.16
3	6.91	8.32	8.88	8.88	8.88	8.60	8.60	8.60	8.60
4	6.91	8.32	8.88	8.88	8.88	8.60	8.60	8.60	8.60
5	7.70	10.40	11.48	11.48	11.48	10.94	10.94	10.94	10.94
6	7.70	10.40	11.48	11.48	11.48	10.94	10.94	10.94	10.94
7	7.70	10.40	11.48	11.48	11.48	10.94	10.94	10.94	10.94
8	7.70	10.40	11.48	11.48	11.48	10.94	10.94	10.94	10.94
12	8.24	12.15	13.41	13.41	13.41	12.87	12.87	12.87	12.87
16	9.50	13.55	15.08	15.08	15.08	14.63	14.63	14.63	14.63
20	10.76	14.94	16.74	16.74	16.74	16.38	16.38	16.38	16.38
24	12.02	16.34	18.41	18.41	18.41	18.14	18.14	18.14	18.14
28	13.28	17.73	20.07	20.07	20.07	19.89	19.89	19.89	19.89
32	14.54	19.13	21.74	21.74	21.74	21.65	21.65	21.65	21.65
36	15.80	20.52	23.40	23.40	23.40	23.40	23.40	23.40	23.40
40	17.06	21.92	25.07	25.07	25.07	25.16	25.16	25.16	25.16
44	18.32	23.31	26.73	26.73	26.73	26.91	26.91	26.91	26.91
48	19.58	24.71	28.40	28.40	28.40	28.67	28.67	28.67	28.67
52	20.84	26.10	30.06	30.06	30.06	30.42	30.42	30.42	30.42
56	22.10	27.50	31.73	31.73	31.73	32.18	32.18	32.18	32.18
60	23.36	28.89	33.39	33.39	33.39	33.93	33.93	33.93	33.93
64	24.62	30.29	35.06	35.06	35.06	35.69	35.69	35.69	35.69

FIRST-CLASS PACKAGE INTERNATIONAL SERVICE COMMERCIAL PLUS PRICES

Maximum weight (ounces)	Country price group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	6.03	6.03	6.03	6.03	6.03	6.03	6.03	6.03	6.03
2	6.03	6.03	6.03	6.03	6.03	6.03	6.03	6.03	6.03
3	6.76	8.14	8.69	8.69	8.69	8.42	8.42	8.42	8.42
4	6.76	8.14	8.69	8.69	8.69	8.42	8.42	8.42	8.42
5	7.27	9.82	10.84	10.84	10.84	10.33	10.33	10.33	10.33
6	7.27	9.82	10.84	10.84	10.84	10.33	10.33	10.33	10.33
7	7.27	9.82	10.84	10.84	10.84	10.33	10.33	10.33	10.33
8	7.27	9.82	10.84	10.84	10.84	10.33	10.33	10.33	10.33
12	7.78	11.48	12.67	12.67	12.67	12.16	12.16	12.16	12.16
16	8.97	12.79	14.24	14.24	14.24	13.81	13.81	13.81	13.81
20	10.16	14.11	15.81	15.81	15.81	15.47	15.47	15.47	15.47
24	11.35	15.43	17.38	17.38	17.38	17.13	17.13	17.13	17.13
28	12.54	16.75	18.96	18.96	18.96	18.79	18.79	18.79	18.79
32	13.73	18.06	20.53	20.53	20.53	20.44	20.44	20.44	20.44
36	14.92	19.38	22.10	22.10	22.10	22.10	22.10	22.10	22.10
40	16.11	20.70	23.67	23.67	23.67	23.76	23.76	23.76	23.76
44	17.30	22.02	25.25	25.25	25.25	25.42	25.42	25.42	25.42
48	18.49	23.33	26.82	26.82	26.82	27.07	27.07	27.07	27.07
52	19.68	24.65	28.39	28.39	28.39	28.73	28.73	28.73	28.73
56	20.87	25.97	29.96	29.96	29.96	30.39	30.39	30.39	30.39
60	22.06	27.29	31.54	31.54	31.54	32.05	32.05	32.05	32.05
64	23.25	28.60	33.11	33.11	33.11	33.70	33.70	33.70	33.70

Outbound Single-Piece First Class Package International Service Promotional Sale

The Postal Service may offer a promotion in the form of a discount or rebate on certain Outbound Single-Piece First-Class Package International Service, during an established promotional period, to mailers that comply with the eligibility requirements of the promotional program.

Notes

1. Electronic USPS Delivery Confirmation® International, which is optionally provided at no charge, offers scan events for customers using select software or online tools. It is available for First-Class Package International Service mailpieces meeting certain physical characteristics to select destinations.

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2305 Outbound International Expedited Services

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2305.2 Size and Weight Limitations

* * * * *

Express Mail International[1]

	Length	Height	Thickness	Weight
Minimum	Large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	79 inches			70 pounds
	108 inches in combined length and girth			
Flat Rate Envelopes	Nominal Size: Regular: 9.5 x 12.5 inches Legal: 9.5 x 15 inches			~~20~~ 4 pounds
Flat Rate Boxes	Sizes: Various sizes as defined in the IMM. – not to exceed .35 cu. ft.			20 pounds

Notes

1. Country-specific restrictions may apply as specified in the International Mail Manual.

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2305.4 Price Categories

* * * * *

Global Express Guaranteed

* * * * *

• Commercial Plus—For selected destination countries, available for customers who use specifically authorized postage payment methods and must tender at least $100,000 per year of any combination of Global Express Guaranteed, Express Mail International, or Priority Mail International, *or First-Class Package International Service* items. The discount applies only to the postage portion of Global Express Guaranteed prices.

Express Mail International

* * * * *

• Commercial Plus – For selected destination countries, available for customers who use specifically authorized postage payment methods and must tender at least $100,000 per year of any combination of Global Express Guaranteed, Express Mail International, ~~or~~ Priority Mail International, or First-Class Package International Service items. The discount applies only to the postage portion of Global Express Guaranteed prices.

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2305.6 Prices

Global Express Guaranteed

The price for Global Express Guaranteed service is based on the actual weight or the dimensional weight of the item, whichever is greater, except for Postal Service produced Global Express Guaranteed envelopes, in which case, the postage is based on the actual weight. See the International Mail Manual for the calculation of dimensional weight.

GLOBAL EXPRESS GUARANTEED RETAIL PRICES

Weight not over (lb.)	Price groups							
	1	2	3	4	5	6	7	8
0.5	$49.95	$55.00	$64.00	$104.50	$70.00	$74.00	$55.00	$86.00
1	58.95	60.15	72.45	118.75	81.25	84.25	65.35	96.75
2	63.10	65.50	78.10	131.90	87.00	90.90	73.70	108.70
3	67.25	70.85	83.75	145.05	92.75	97.55	82.05	120.65
4	71.40	76.20	89.40	158.20	98.50	104.20	90.40	132.60

GLOBAL EXPRESS GUARANTEED RETAIL PRICES—Continued

Weight not over (lb.)	Price groups							
	1	2	3	4	5	6	7	8
5	75.55	81.55	95.05	171.35	104.25	110.85	98.75	144.55
6	79.70	86.60	100.00	184.30	110.00	117.20	104.20	156.00
7	83.85	91.65	104.95	197.25	115.75	123.55	109.65	167.45
8	88.00	96.70	109.90	210.20	121.50	129.90	115.10	178.90
9	92.15	101.75	114.85	223.15	127.25	136.25	120.55	190.35
10	96.30	106.80	119.80	236.10	133.00	142.60	126.00	201.80
11	100.45	110.05	123.95	249.05	137.25	148.45	130.35	210.65
12	104.60	113.30	128.10	262.00	141.50	154.30	134.70	219.50
13	108.75	116.55	132.25	274.95	145.75	160.15	139.05	228.35
14	112.90	119.80	136.40	287.90	150.00	166.00	143.40	237.20
15	117.05	123.05	140.55	300.85	154.25	171.85	147.75	246.05
16	121.20	126.30	144.70	313.80	158.50	177.70	152.10	254.90
17	125.35	129.55	148.85	326.75	162.75	183.55	156.45	263.75
18	129.50	132.80	153.00	339.70	167.00	189.40	160.80	272.60
19	133.65	136.05	157.15	352.65	171.25	195.25	165.15	281.45
20	137.80	139.30	161.30	365.60	175.50	201.10	169.50	290.30
21	141.95	141.55	165.45	376.05	179.75	206.95	173.85	299.15
22	146.10	143.80	169.60	386.50	184.00	212.80	178.20	308.00
23	150.25	146.05	173.75	396.95	188.25	218.65	182.55	316.85
24	154.40	148.30	177.90	407.40	192.50	224.50	186.90	325.70
25	158.55	150.55	182.05	417.85	196.75	230.35	191.25	334.55
26	162.70	152.80	186.20	428.30	201.00	236.20	195.60	343.40
27	166.85	155.05	190.35	438.75	205.25	242.05	199.95	352.25
28	171.00	157.30	194.50	449.20	209.50	247.90	204.30	361.10
29	175.15	159.55	198.65	459.65	213.75	253.75	208.65	369.95
30	179.30	161.80	202.80	470.10	218.00	259.60	213.00	378.80
31	183.45	164.05	206.95	480.55	222.25	265.45	217.35	387.65
32	187.60	166.30	211.10	491.00	226.50	271.30	221.70	396.50
33	191.75	168.55	215.25	501.45	230.75	277.15	226.05	405.35
34	195.90	170.80	219.40	511.90	235.00	283.00	230.40	414.20
35	200.05	173.05	223.55	522.35	239.25	288.85	234.75	423.05
36	204.20	175.30	227.70	532.80	243.50	294.70	239.10	431.90
37	208.35	177.55	231.85	543.25	247.75	300.55	243.45	440.75
38	212.50	179.80	236.00	553.70	252.00	306.40	247.80	449.60
39	216.65	182.05	240.15	564.15	256.25	312.25	252.15	458.45
40	220.80	184.30	244.30	574.60	260.50	318.10	256.50	467.30
41	224.25	186.55	248.45	585.05	264.75	323.95	260.85	476.15
42	227.70	188.80	252.60	595.50	269.00	329.80	265.20	485.00
43	231.15	191.05	256.75	605.95	273.25	335.65	269.55	493.85
44	234.60	193.30	260.90	616.40	277.50	341.50	273.90	502.70
45	238.05	195.55	265.05	626.85	281.75	347.35	278.25	511.55
46	241.50	197.80	269.20	637.30	286.00	353.20	282.60	520.40
47	244.95	200.05	273.35	647.75	290.25	359.05	286.95	529.25
48	248.40	202.30	277.50	658.20	294.50	364.90	291.30	538.10
49	251.85	204.55	281.65	668.65	298.75	370.75	295.65	546.95
50	255.30	206.80	285.80	679.10	303.00	376.60	300.00	555.80
51	258.75	209.05	289.95	689.55	307.25	382.45	304.35	564.65
52	262.20	211.30	294.10	700.00	311.50	388.30	308.70	573.50
53	265.65	213.55	298.25	710.45	315.75	394.15	313.05	582.35
54	269.10	215.80	302.40	720.90	320.00	400.00	317.40	591.20
55	272.55	218.05	306.55	731.35	324.25	405.85	321.75	600.05
56	276.00	220.30	310.70	741.80	328.50	411.70	326.10	608.90
57	279.45	222.55	314.85	752.25	332.75	417.55	330.45	617.75
58	282.90	224.80	319.00	762.70	337.00	423.40	334.80	626.60
59	286.35	227.05	323.15	773.15	341.25	429.25	339.15	635.45
60	289.80	229.30	327.30	783.60	345.50	435.10	343.50	644.30
61	293.25	231.55	331.45	794.05	349.75	440.95	347.85	653.15
62	296.70	233.80	335.60	804.50	354.00	446.80	352.20	662.00
63	300.15	236.05	339.75	814.95	358.25	452.65	356.55	670.85
64	303.60	238.30	343.90	825.40	362.50	458.50	360.90	679.70
65	307.05	240.55	348.05	835.85	366.75	464.35	365.25	688.55
66	310.50	242.80	352.20	846.30	371.00	470.20	369.60	697.40
67	313.95	245.05	356.35	856.75	375.25	476.05	373.95	706.25
68	317.40	247.30	360.50	867.20	379.50	481.90	378.30	715.10
69	320.85	249.55	364.65	877.65	383.75	487.75	382.65	723.95
70	324.30	251.80	368.80	888.10	388.00	493.60	387.00	732.80

GLOBAL EXPRESS GUARANTEED COMMERCIAL BASE PRICES

Weight not over (lb).	Price groups							
	1	2	3	4	5	6	7	8
0.5	$47.45	$52.25	$60.80	$99.28	$66.50	$70.30	$52.25	$81.70
1	55.41	56.54	68.10	111.63	76.38	79.20	61.91	90.95
2	58.43	60.23	70.29	118.71	78.30	81.81	67.95	97.83
3	63.46	66.92	75.38	130.55	83.54	87.80	74.16	108.59
4	67.03	70.97	81.92	142.38	90.26	93.78	81.36	119.34
5	68.94	76.35	88.60	154.22	95.42	99.77	88.88	130.10
6	70.37	81.38	92.48	162.18	100.64	103.14	93.80	137.28
7	73.79	86.43	96.55	173.58	105.35	108.72	98.84	147.54
8	77.44	91.80	100.58	184.98	110.88	114.31	103.69	159.15
9	81.09	95.03	105.06	196.37	117.41	119.90	107.21	170.25
10	84.74	98.42	109.58	207.77	121.94	125.49	111.29	181.53
11	88.40	102.64	112.25	219.16	127.48	130.64	114.71	192.61
12	92.05	107.19	114.94	230.56	132.03	135.78	118.54	203.34
13	95.70	108.61	119.93	241.96	136.10	140.93	122.36	214.16
14	99.35	111.67	124.14	253.35	140.96	147.45	129.03	223.96
15	103.00	114.75	127.79	264.75	144.68	153.46	133.32	234.41
16	106.66	118.47	131.64	276.14	150.22	158.72	137.57	244.06
17	110.31	122.04	135.58	287.54	154.18	163.95	141.99	253.01
18	113.96	124.93	139.19	298.94	157.72	168.57	146.27	261.15
19	117.61	126.96	143.04	310.33	161.64	173.84	151.37	269.31
20	121.26	128.82	146.95	321.73	165.93	178.47	158.81	277.63
21	124.92	130.35	151.58	330.92	170.39	183.20	162.07	286.77
22	128.57	130.63	154.83	340.80	176.11	187.82	164.35	295.57
23	132.22	132.70	158.44	349.32	178.21	192.96	166.32	303.40
24	135.87	134.86	161.20	358.51	180.13	197.56	167.36	311.39
25	139.52	137.03	163.50	367.71	182.05	202.71	168.40	318.85
26	143.18	140.43	169.22	376.90	189.79	207.86	180.73	326.87
27	146.83	145.13	172.08	386.10	193.15	213.00	184.19	334.85
28	150.48	148.04	175.76	395.30	197.08	218.15	186.19	342.83
29	154.13	149.95	178.56	404.49	201.17	223.30	188.23	349.50
30	157.78	151.55	182.38	413.69	204.92	228.45	192.58	356.50
31	161.44	152.96	185.57	422.88	208.64	233.60	196.94	363.01
32	165.09	153.73	190.15	432.71	212.74	238.74	204.53	369.85
33	168.74	155.31	193.44	441.70	216.84	243.89	208.46	376.85
34	172.39	156.24	196.85	450.99	220.75	249.04	211.73	383.35
35	176.04	157.66	200.41	459.97	224.68	254.19	216.17	389.86
36	179.70	158.59	203.62	469.28	228.24	259.34	218.42	396.70
37	183.35	160.33	207.25	478.06	232.14	264.48	222.52	403.03
38	187.00	161.93	210.25	487.26	235.88	269.63	226.47	409.73
39	190.65	163.68	214.13	496.45	239.79	274.78	231.05	416.73
40	194.30	166.41	216.89	505.65	243.35	279.93	235.18	423.23
41	197.34	168.16	220.87	514.84	247.26	285.08	239.28	429.74
42	200.38	170.40	223.28	524.04	251.36	290.22	243.54	436.24
43	203.41	172.16	226.77	533.24	255.46	295.37	247.47	442.91
44	206.45	174.41	229.59	542.43	259.56	300.52	251.74	449.42
45	209.48	176.17	233.24	551.63	263.11	305.67	255.67	456.10
46	212.52	178.23	236.90	560.82	267.02	310.82	260.45	461.46
47	215.56	180.80	240.55	570.02	270.96	315.96	264.37	468.31
48	218.59	182.89	244.20	579.22	274.68	321.11	268.82	474.81
49	221.63	185.30	247.85	588.41	278.60	326.26	270.84	481.32
50	224.66	187.05	251.50	597.61	282.14	331.41	272.87	489.10
51	227.70	188.86	255.16	606.80	282.45	336.56	281.53	499.58
52	230.74	190.71	258.81	616.00	290.53	341.70	284.88	504.68
53	233.77	192.47	262.46	625.20	290.82	346.85	289.73	513.07
54	236.81	194.22	266.11	634.39	295.28	352.00	292.59	520.26
55	239.84	195.96	269.76	643.59	299.38	357.15	296.26	528.04
56	242.88	197.71	273.42	652.78	303.48	362.30	299.96	535.83
57	245.92	199.46	277.07	661.98	307.57	367.44	303.64	543.62
58	248.95	201.22	280.72	671.18	311.67	372.59	307.32	551.41
59	251.99	203.04	284.37	680.37	315.95	377.74	313.23	559.20
60	255.02	204.88	288.02	689.57	324.41	382.89	315.53	566.98
61	258.06	206.55	291.68	698.76	324.68	388.04	320.88	574.77
62	261.10	208.22	295.33	707.96	332.59	393.18	323.05	582.56
63	264.13	209.97	298.98	717.16	332.89	398.33	328.54	590.35
64	267.17	211.72	302.63	726.35	340.62	403.48	330.93	598.14
65	270.20	213.54	306.28	735.55	340.91	408.63	336.55	605.92
66	273.24	215.38	309.94	744.74	348.80	413.78	338.79	613.71
67	276.28	217.13	313.59	753.94	349.10	418.92	344.40	621.50
68	279.31	218.89	317.24	763.14	357.19	424.07	346.33	629.29
69	282.35	220.39	320.89	772.33	357.48	429.22	352.57	637.08

GLOBAL EXPRESS GUARANTEED COMMERCIAL BASE PRICES—Continued

Weight not over (lb).	Price groups							
	1	2	3	4	5	6	7	8
70	285.38	221.89	324.54	781.53	365.03	434.37	354.04	644.86

GLOBAL EXPRESS GUARANTEED COMMERCIAL PLUS PRICES

Weight not over (lb).	GXG Price groups							
	1	2	3	4	5	6	7	8
0.5	$43.96	$48.40	$56.32	$91.96	$61.60	$65.12	$48.40	$75.68
1	51.88	52.93	63.76	104.50	71.50	74.14	57.51	85.14
2	54.26	55.93	66.39	112.12	73.95	77.27	63.10	92.40
3	58.93	62.14	71.19	123.29	78.84	82.92	69.74	102.55
4	62.24	65.90	76.07	134.47	83.81	88.57	76.84	112.71
5	64.22	70.90	82.28	145.65	88.61	94.22	83.94	122.87
6	66.15	75.57	85.88	152.97	93.45	97.28	87.10	129.48
7	69.60	80.26	89.65	163.72	97.82	102.55	91.78	138.98
8	73.04	85.24	93.39	174.47	102.96	107.82	96.29	148.49
9	76.48	88.25	97.55	185.21	109.03	113.09	100.06	158.09
10	79.93	91.39	101.76	195.96	113.23	118.36	104.58	168.56
11	83.37	95.31	104.23	206.71	118.37	123.21	108.19	178.85
12	86.82	99.53	106.73	217.46	122.59	128.07	111.80	188.81
13	90.26	100.85	111.36	228.21	126.37	132.92	115.41	198.87
14	93.71	103.70	115.28	238.96	130.89	137.78	119.81	207.96
15	97.15	106.55	118.66	249.71	134.35	142.64	123.80	217.66
16	100.60	110.01	122.24	260.45	139.49	147.49	127.74	226.63
17	104.04	113.32	125.89	271.20	143.17	152.35	131.85	234.93
18	107.49	116.00	129.25	281.95	146.45	157.20	135.82	242.50
19	110.93	117.89	132.82	292.70	150.09	162.06	140.56	250.08
20	114.37	119.62	136.46	303.45	154.08	166.91	147.47	257.80
21	117.82	121.04	140.75	312.12	158.22	171.77	150.49	266.28
22	121.26	121.29	143.77	320.80	163.53	176.62	152.61	274.46
23	124.71	123.22	147.12	329.47	165.48	181.48	154.44	281.72
24	128.15	125.22	149.68	338.14	167.26	186.34	155.40	289.15
25	131.60	127.24	151.82	346.82	169.05	191.19	158.74	296.08
26	135.04	130.40	157.13	355.49	176.24	196.05	167.82	303.52
27	138.49	134.76	159.79	364.16	179.36	200.90	171.03	310.93
28	141.93	137.47	163.21	372.84	183.01	205.76	172.89	318.34
29	145.37	139.24	165.81	381.51	186.80	210.61	174.78	324.53
30	148.82	140.72	169.36	390.18	190.28	215.47	178.82	331.04
31	152.26	142.04	172.32	398.86	193.74	220.32	182.87	337.08
32	155.71	142.74	176.57	407.53	197.54	225.18	189.92	343.43
33	159.15	144.22	179.62	416.20	201.35	230.03	193.57	349.93
34	162.60	145.08	182.79	424.88	204.98	234.89	196.61	355.97
35	166.04	146.40	186.09	433.55	208.63	239.75	200.73	362.02
36	169.49	147.26	189.08	442.22	211.93	244.60	202.82	368.36
37	172.93	148.88	192.45	450.90	215.56	249.46	206.63	374.24
38	176.38	150.36	195.88	459.57	219.03	254.31	210.29	380.46
39	179.82	151.99	199.32	468.24	222.66	259.17	214.55	386.96
40	183.26	154.52	202.77	476.92	225.96	264.02	218.38	393.00
41	186.13	156.15	206.21	485.59	229.60	268.88	222.19	399.05
42	188.99	158.23	209.66	494.27	233.41	273.73	226.15	405.08
43	191.85	159.86	213.10	502.94	237.21	278.59	229.80	411.27
44	194.72	161.95	216.55	511.61	241.02	283.45	233.76	417.32
45	197.58	163.58	219.99	520.29	244.32	288.30	237.41	424.59
46	200.45	165.50	223.44	528.96	247.94	293.16	241.85	431.93
47	203.31	167.89	226.88	537.63	251.61	298.01	245.49	439.28
48	206.17	169.83	230.33	546.31	255.06	302.87	249.62	446.62
49	209.04	172.06	233.77	554.98	258.70	307.72	251.49	453.97
50	211.90	173.69	237.21	563.65	261.99	312.58	253.38	461.31
51	214.76	175.37	240.66	572.33	262.28	317.43	261.42	468.66
52	217.63	177.09	244.10	581.00	269.78	322.29	264.53	476.01
53	220.49	178.72	247.55	589.67	270.05	327.14	269.03	483.35
54	223.35	180.35	250.99	598.35	274.19	332.00	271.69	490.70
55	226.22	181.96	254.44	607.02	277.99	336.86	275.10	498.04
56	229.08	183.59	257.88	615.69	281.80	341.71	278.53	505.39
57	231.94	185.22	261.33	624.37	285.60	346.57	281.95	512.73
58	234.81	186.84	264.77	633.04	289.41	351.42	285.37	520.08
59	237.67	188.54	268.21	641.71	293.38	356.28	290.86	527.42
60	240.53	190.32	271.66	650.39	301.23	361.13	292.99	534.77
61	243.40	192.19	275.10	659.06	301.49	365.99	297.96	542.11

GLOBAL EXPRESS GUARANTEED COMMERCIAL PLUS PRICES—Continued

Weight not over (lb).	GXG Price groups							
	1	2	3	4	5	6	7	8
62	246.26	194.05	278.55	667.74	308.83	370.84	299.98	549.46
63	249.12	195.92	281.99	676.41	309.11	375.70	305.07	556.81
64	251.99	197.79	285.44	685.08	316.29	380.56	307.29	564.15
65	254.85	199.66	288.88	693.76	316.56	385.41	312.51	571.50
66	257.72	201.52	292.33	702.43	323.89	390.27	314.59	578.84
67	260.58	203.39	295.77	711.10	324.17	395.12	319.80	586.19
68	263.44	205.26	299.22	719.78	331.68	399.98	321.59	593.53
69	266.31	207.13	302.66	728.45	331.95	404.83	327.38	600.88
70	269.17	208.99	306.10	737.12	338.95	409.69	328.75	608.22

Global Express Guaranteed Promotional Sale

The Postal Service may offer a promotion in the form of a discount or rebate on certain Global Express Guaranteed service, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program.

EXPRESS MAIL INTERNATIONAL: FLAT RATE PRICES [1]

	Country price group	
	Canada (price group 1) ($)	All other countries (price groups 2 through 17) ($)
Flat Rate Envelope	34.95	44.95
Flat Rate Boxes	64.95	79.95

Note:

1. No additional discount is offered for Commercial Base or Commercial Plus.

Express Mail International Retail Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
0.5	$33.95	$43.00	$45.00	$52.00	$48.00	$48.00	$48.00	$46.00	$45.00	$52.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00	$50.00
1	$37.35	$44.75	$48.45	$53.15	$49.50	$50.75	$52.45	$50.35	$48.95	$54.35	$51.85	$55.85	$51.65	$51.35	$52.65	$51.25	$51.35
2	$41.40	$47.90	$53.10	$57.40	$52.95	$54.80	$57.80	$54.70	$52.90	$59.50	$55.60	$60.50	$54.50	$56.40	$56.20	$53.90	$53.70
3	$45.45	$51.05	$57.75	$61.65	$56.40	$58.85	$63.15	$59.05	$56.85	$64.65	$59.35	$65.15	$57.35	$61.45	$59.75	$56.55	$56.05
4	$49.50	$54.20	$62.40	$65.90	$59.85	$62.90	$68.50	$63.40	$60.80	$69.80	$63.10	$69.80	$60.20	$66.50	$63.30	$59.20	$58.40
5	$53.55	$57.35	$67.05	$70.15	$63.30	$66.95	$73.85	$67.75	$64.75	$74.95	$66.85	$74.45	$63.05	$71.55	$66.85	$61.85	$60.75
6	$57.85	$60.00	$70.50	$74.50	$66.75	$71.10	$79.20	$72.10	$68.70	$80.60	$69.70	$78.60	$65.90	$76.70	$70.50	$64.50	$63.30
7	$62.15	$62.65	$73.95	$78.85	$70.20	$75.25	$84.55	$76.45	$72.65	$86.25	$72.55	$82.75	$68.75	$81.85	$74.15	$67.15	$65.85
8	$66.45	$65.30	$77.40	$83.20	$73.65	$79.40	$89.90	$80.80	$76.60	$91.90	$75.40	$86.90	$71.60	$87.00	$77.80	$69.80	$68.40
9	$70.75	$67.95	$80.85	$87.55	$77.10	$83.55	$95.25	$85.15	$80.55	$97.55	$78.25	$91.05	$74.45	$92.15	$81.45	$72.45	$70.95
10	$75.05	$70.60	$84.30	$91.90	$80.55	$87.70	$100.60	$89.50	$84.50	$103.20	$81.10	$95.20	$77.30	$97.30	$85.10	$75.10	$73.50
11	$79.30	$73.05	$87.35	$96.25	$84.00	$91.95	$105.95	$93.85	$88.45	$108.85	$83.95	$99.05	$80.25	$102.95	$88.75	$78.25	$76.65
12	$83.55	$75.50	$90.40	$100.60	$87.45	$96.20	$111.30	$98.20	$92.40	$114.50	$86.80	$102.90	$83.20	$108.60	$92.40	$81.40	$79.80
13	$87.80	$77.95	$93.45	$104.95	$90.90	$100.45	$116.65	$102.55	$96.35	$120.15	$89.65	$106.75	$86.15	$114.25	$96.05	$84.55	$82.95
14	$92.05	$80.40	$96.50	$109.30	$94.35	$104.70	$122.00	$106.90	$100.30	$125.80	$92.50	$110.60	$89.10	$119.90	$99.70	$87.70	$86.10
15	$96.30	$82.85	$99.55	$113.65	$97.80	$108.95	$127.35	$111.25	$104.25	$131.45	$95.35	$114.45	$92.05	$125.55	$103.35	$90.85	$89.25
16	$100.55	$85.30	$102.60	$118.00	$101.25	$113.20	$132.70	$115.60	$108.20	$137.10	$98.20	$118.30	$95.00	$131.20	$107.00	$94.00	$92.40
17	$104.80	$87.75	$105.65	$122.35	$104.70	$117.45	$138.05	$119.95	$112.15	$142.75	$101.05	$122.15	$97.95	$136.85	$110.65	$97.15	$95.55
18	$109.05	$90.20	$108.70	$126.70	$108.15	$121.70	$143.40	$124.30	$116.10	$148.40	$103.90	$126.00	$100.90	$142.50	$114.30	$100.30	$98.70
19	$113.30	$92.65	$111.75	$131.05	$111.60	$125.95	$148.75	$128.65	$120.05	$154.05	$106.75	$129.85	$103.85	$148.15	$117.95	$103.45	$101.85
20	$117.55	$95.10	$114.80	$135.40	$115.05	$130.20	$154.10	$133.00	$124.00	$159.70	$109.60	$133.70	$106.80	$153.80	$121.60	$106.60	$105.00
21	$121.80	$97.55	$117.85	$139.75	$118.50	$134.45	$159.45	$137.35	$127.95	$165.35	$112.45	$137.55	$109.75	$158.75	$125.25	$109.75	$108.15
22	$126.05	$100.00	$120.90	$144.10	$121.95	$138.70	$164.80	$141.70	$131.90	$171.00	$115.30	$141.40	$112.70	$163.70	$128.90	$112.90	$111.30
23	$130.30	$102.45	$123.95	$148.45	$125.40	$142.95	$170.15	$146.05	$135.85	$176.65	$118.15	$145.25	$115.65	$168.65	$132.55	$116.05	$114.45
24	$134.55	$104.90	$127.00	$152.80	$128.85	$147.20	$175.50	$150.40	$139.80	$182.30	$121.00	$149.10	$118.60	$173.60	$136.20	$119.20	$117.60
25	$138.80	$107.35	$130.05	$157.15	$132.30	$151.45	$180.85	$154.75	$143.75	$187.95	$123.85	$152.95	$121.55	$178.55	$139.85	$122.35	$120.75

26	$143.05	$109.80	$133.10	$161.50	$135.75	$155.70	$186.20	$159.10	$147.70	$193.60	$126.70	$156.80	$124.50	$183.50	$143.50	$125.50	$123.90
27	$147.30	$112.25	$136.15	$165.85	$139.20	$159.95	$191.55	$163.45	$151.65	$199.25	$129.55	$160.65	$127.45	$188.45	$147.15	$128.65	$127.05
28	$151.55	$114.70	$139.20	$170.20	$142.65	$164.20	$196.90	$167.80	$155.60	$204.90	$132.40	$164.50	$130.40	$193.40	$150.80	$131.80	$130.20
29	$155.80	$117.15	$142.25	$174.55	$146.10	$168.45	$202.25	$172.15	$159.55	$210.55	$135.25	$168.35	$133.35	$198.35	$154.45	$134.95	$133.35
30	$160.05	$119.60	$145.30	$178.90	$149.55	$172.70	$207.60	$176.50	$163.50	$216.20	$138.10	$172.20	$136.30	$203.30	$158.10	$138.10	$136.50
31	$163.60	$122.05	$148.35	$183.25	$153.00	$176.95	$212.95	$180.85	$167.45	$221.85	$140.95	$176.05	$139.25	$208.25	$161.75	$141.25	$139.65
32	$167.15	$124.50	$151.40	$187.60	$156.45	$181.20	$218.30	$185.20	$171.40	$227.50	$143.80	$179.90	$142.20	$213.20	$165.40	$144.40	$142.80
33	$170.70	$126.95	$154.45	$191.95	$159.90	$185.45	$223.65	$189.55	$175.35	$233.15	$146.65	$183.75	$145.15	$218.15	$169.05	$147.55	$145.95
34	$174.25	$129.40	$157.50	$196.30	$163.35	$189.70	$229.00	$193.90	$179.30	$238.80	$149.50	$187.60	$148.10	$223.10	$172.70	$150.70	$149.10
35	$177.80	$131.85	$160.55	$200.65	$166.80	$193.95	$234.35	$198.25	$183.25	$244.45	$152.35	$191.45	$151.05	$228.05	$176.35	$153.85	$152.25
36	$181.35	$134.30	$163.60	$205.00	$170.25	$198.20	$239.70	$202.60	$187.20	$250.10	$155.20	$195.30	$154.00	$233.00	$180.00	$157.00	$155.40
37	$184.90	$136.75	$166.65	$209.35	$173.70	$202.45	$245.05	$206.95	$191.15	$255.75	$158.05	$199.15	$156.95	$237.95	$183.65	$160.15	$158.55
38	$188.45	$139.20	$169.70	$213.70	$177.15	$206.70	$250.40	$211.30	$195.10	$261.40	$160.90	$203.00	$159.90	$242.90	$187.30	$163.30	$161.70
39	$192.00	$141.65	$172.75	$218.05	$180.60	$210.95	$255.75	$215.65	$199.05	$267.05	$163.75	$206.85	$162.85	$247.85	$190.95	$166.45	$164.85
40	$195.55	$144.10	$175.80	$222.40	$184.05	$215.20	$261.10	$220.00	$203.00	$272.70	$166.60	$210.70	$165.80	$252.80	$194.60	$169.60	$168.00
41	$199.10	$146.55	$178.85	$226.75	$187.50	$219.45	$266.45	$224.35	$206.95	$278.35	$169.45	$214.55	$168.75	$257.75	$198.25	$172.75	$171.15
42	$202.65	$149.00	$181.90	$231.10	$190.95	$223.70	$271.80	$228.70	$210.90	$284.00	$172.30	$218.40	$171.70	$262.70	$201.90	$175.90	$174.30
43	$206.20	$151.45	$184.95	$235.45	$194.40	$227.95	$277.15	$233.05	$214.85	$289.65	$175.15	$222.25	$174.65	$267.65	$205.55	$179.05	$177.45
44	$209.75	$153.90	$188.00	$239.80	$197.85	$232.20	$282.50	$237.40	$218.80	$295.30	$178.00	$226.10	$177.60	$272.60	$209.20	$182.20	$180.60
45	$213.30	$156.35	$191.05	$244.15	$201.30	$236.45	$287.85	$241.75	$222.75	$300.95	$180.85	$229.95	$180.55	$277.55	$212.85	$185.35	$183.75
46	$216.85	$158.80	$194.10	$248.50	$204.75	$240.70	$293.20	$246.10	$226.70	$306.60	$183.70	$233.80	$183.50	$282.50	$216.50	$188.50	$186.90
47	$220.40	$161.25	$197.15	$252.85	$208.20	$244.95	$298.55	$250.45	$230.65	$312.25	$186.55	$237.65	$186.45	$287.45	$220.15	$191.65	$190.05
48	$223.95	$163.70	$200.20	$257.20	$211.65	$249.20	$303.90	$254.80	$234.60	$317.90	$189.40	$241.50	$189.40	$292.40	$223.80	$194.80	$193.20
49	$227.50	$166.15	$203.25	$261.55	$215.10	$253.45	$309.25	$259.15	$238.55	$323.55	$192.25	$245.35	$192.35	$297.35	$227.45	$197.95	$196.35
50	$231.05	$168.60	$206.30	$265.90	$218.55	$257.70	$314.60	$263.50	$242.50	$329.20	$195.10	$249.20	$195.30	$302.30	$231.10	$201.10	$199.50
51	$234.60	$171.05	$209.35	$270.25	$222.00	$261.95	$319.95	$267.85	$246.45	$334.85	$197.95	$253.05	$198.25	$307.25	$234.75	$204.25	$202.65
52	$238.15	$173.50	$212.40	$274.60	$225.45	$266.20	$325.30	$272.20	$250.40	$340.50	$200.80	$256.90	$201.20	$312.20	$238.40	$207.40	$205.80
53	$241.70	$175.95	$215.45	$278.95	$228.90	$270.45	$330.65	$276.55	$254.35	$346.15	$203.65	$260.75	$204.15	$317.15	$242.05	$210.55	$208.95
54	$245.25	$178.40	$218.50	$283.30	$232.35	$274.70	$336.00	$280.90	$258.30	$351.80	$206.50	$264.60	$207.10	$322.10	$245.70	$213.70	$212.10
55	$248.80	$180.85	$221.55	$287.65	$235.80	$278.95	$341.35	$285.25	$262.25	$357.45	$209.35	$268.45	$210.05	$327.05	$249.35	$216.85	$215.25
56	$252.35	$183.30	$224.60	$292.00	$239.25	$283.20	$346.70	$289.60	$266.20	$363.10	$212.20	$272.30	$213.00	$332.00	$253.00	$220.00	$218.40

57	$255.90	$185.75	$227.65	$296.35	$242.70	$287.45	$352.05	$293.95	$270.15	$368.75	$215.05	$276.15	$215.95	$336.95	$256.65	$223.15	$221.55
58	$259.45	$188.20	$230.70	$300.70	$246.15	$291.70	$357.40	$298.30	$274.10	$374.40	$217.90	$280.00	$218.90	$341.90	$260.30	$226.30	$224.70
59	$263.00	$190.65	$233.75	$305.05	$249.60	$295.95	$362.75	$302.65	$278.05	$380.05	$220.75	$283.85	$221.85	$346.85	$263.95	$229.45	$227.85
60	$266.55	$193.10	$236.80	$309.40	$253.05	$300.20	$368.10	$307.00	$282.00	$385.70	$223.60	$287.70	$224.80	$351.80	$267.60	$232.60	$231.00
61	$270.10	$195.55	$239.85	$313.75	$256.50	$304.45	$373.45	$311.35	$285.95	$391.35	$226.45	$291.55	$227.75	$356.75	$271.25	$235.75	$234.15
62	$273.65	$198.00	$242.90	$318.10	$259.95	$308.70	$378.80	$315.70	$289.90	$397.00	$229.30	$295.40	$230.70	$361.70	$274.90	$238.90	$237.30
63	$277.20	$200.45	$245.95	$322.45	$263.40	$312.95	$384.15	$320.05	$293.85	$402.65	$232.15	$299.25	$233.65	$366.65	$278.55	$242.05	$240.45
64	$280.75	$202.90	$249.00	$326.80	$266.85	$317.20	$389.50	$324.40	$297.80	$408.30	$235.00	$303.10	$236.60	$371.60	$282.20	$245.20	$243.60
65	$284.30	$205.35	$252.05	$331.15	$270.30	$321.45	$394.85	$328.75	$301.75	$413.95	$237.85	$306.95	$239.55	$376.55	$285.85	$248.35	$246.75
66	$287.85	$207.80	$255.10	$335.50	$273.75	$325.70	$400.20	$333.10	$305.70	$419.60	$240.70	$310.80	$242.50	$381.50	$289.50	$251.50	$249.90
67	-	-	$258.15	$339.85	$277.20	$329.95	$405.55	$337.45	$309.65	-	-	-	-	-	-	-	-
68	-	-	$261.20	$344.20	$280.65	$334.20	$410.90	$341.80	$313.60	-	-	-	-	-	-	-	-
69	-	-	$264.25	$348.55	$284.10	$338.45	$416.25	$346.15	$317.55	-	-	-	-	-	-	-	-
70	-	-	$267.30	$352.90	$287.55	$342.70	$421.60	$350.50	$321.50	-	-	-	-	-	-	-	-

Express Mail International Commercial Base Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
0.5	$32.59	$41.28	$43.20	$49.92	$46.08	$46.08	$46.08	$44.16	$43.20	$49.92	$48.00	$48.00	$48.00	$48.00	$48.00	$48.00	$48.00
1	$35.48	$42.51	$46.03	$50.49	$47.03	$48.21	$49.83	$47.83	$46.50	$51.63	$49.26	$53.06	$49.07	$48.78	$50.02	$48.69	$48.78
2	$38.50	$44.55	$49.38	$53.38	$49.24	$50.96	$53.75	$50.87	$49.20	$55.34	$51.71	$56.27	$50.69	$52.45	$52.27	$50.13	$49.94
3	$42.27	$47.48	$53.71	$57.33	$52.45	$54.73	$58.73	$54.92	$52.87	$60.12	$55.20	$60.59	$53.34	$57.15	$55.57	$52.59	$52.13
4	$46.04	$50.41	$58.03	$61.29	$55.66	$58.50	$63.71	$58.96	$56.54	$64.91	$58.68	$64.91	$55.99	$61.85	$58.87	$55.06	$54.31
5	$49.80	$53.34	$62.36	$65.24	$58.87	$62.26	$68.68	$63.01	$60.22	$69.70	$62.17	$69.24	$58.64	$66.54	$62.17	$57.52	$56.50
6	$52.64	$54.60	$64.16	$67.80	$60.74	$64.70	$72.07	$65.61	$62.52	$73.35	$63.43	$71.53	$59.97	$69.80	$64.16	$58.70	$57.60
7	$56.56	$57.01	$67.29	$71.75	$63.88	$68.48	$76.94	$69.57	$66.11	$78.49	$66.02	$75.30	$62.56	$74.48	$67.48	$61.11	$59.92
8	$60.47	$59.42	$70.43	$75.71	$67.02	$72.25	$81.81	$73.53	$69.71	$83.63	$68.61	$79.08	$65.16	$79.17	$70.80	$63.52	$62.24
9	$64.38	$61.83	$73.57	$79.67	$70.16	$76.03	$86.68	$77.49	$73.30	$88.77	$71.21	$82.86	$67.75	$83.86	$74.12	$65.93	$64.56
10	$68.30	$64.25	$76.71	$83.63	$73.30	$79.81	$91.55	$81.45	$76.90	$93.91	$73.80	$86.63	$70.34	$88.54	$77.44	$68.34	$66.89
11	$72.16	$66.48	$79.49	$87.59	$76.44	$83.67	$96.41	$85.40	$80.49	$99.20	$76.39	$90.14	$73.03	$93.68	$80.76	$71.21	$69.75
12	$76.03	$68.71	$82.26	$91.55	$79.58	$87.54	$101.28	$89.36	$84.08	$105.93	$78.99	$93.64	$75.71	$98.83	$84.08	$74.07	$72.62
13	$79.90	$70.93	$85.04	$95.50	$82.72	$91.41	$106.15	$93.32	$87.68	$112.65	$81.58	$97.14	$78.40	$103.97	$87.41	$76.94	$75.48
14	$83.77	$73.16	$87.82	$99.46	$85.86	$95.28	$111.02	$97.28	$91.27	$119.38	$84.18	$100.65	$81.08	$109.11	$90.73	$79.81	$78.35
15	$87.63	$75.39	$90.59	$103.42	$89.00	$99.14	$115.89	$101.24	$94.87	$126.10	$86.77	$104.15	$83.77	$114.25	$94.05	$82.67	$81.22
16	$91.50	$77.62	$93.37	$107.38	$92.14	$103.01	$120.76	$105.20	$98.46	$132.83	$89.36	$107.65	$86.45	$119.39	$97.37	$85.54	$84.08
17	$95.37	$79.85	$96.14	$111.34	$95.28	$106.88	$125.63	$109.15	$102.06	$139.55	$91.96	$111.16	$89.13	$124.53	$100.69	$88.41	$86.95
18	$99.24	$82.08	$98.92	$115.30	$98.42	$110.75	$130.49	$113.11	$105.65	$146.28	$94.55	$114.66	$91.82	$129.68	$104.01	$91.27	$89.82
19	$103.10	$84.31	$101.69	$119.26	$101.56	$114.61	$135.36	$117.07	$109.25	$153.00	$97.14	$118.16	$94.50	$134.82	$107.33	$94.14	$92.68
20	$106.97	$86.54	$104.47	$123.21	$104.70	$118.48	$140.23	$121.03	$112.84	$159.70	$99.74	$121.67	$97.19	$139.96	$110.66	$97.01	$95.55
21	$109.62	$87.80	$106.07	$125.78	$106.65	$121.01	$143.51	$123.62	$115.16	$161.08	$101.21	$123.80	$98.78	$142.88	$112.73	$98.78	$97.34
22	$113.45	$90.00	$108.81	$129.69	$109.76	$124.83	$148.32	$127.53	$118.71	$167.59	$103.77	$127.26	$101.43	$147.33	$116.01	$101.61	$100.17
23	$117.27	$92.21	$111.56	$133.61	$112.86	$128.66	$153.14	$131.45	$122.27	$174.10	$106.34	$130.73	$104.09	$151.79	$119.30	$104.45	$103.01
24	$121.10	$94.41	$114.30	$137.52	$115.97	$132.48	$157.95	$135.36	$125.82	$180.61	$108.90	$134.19	$106.74	$156.24	$122.58	$107.28	$105.84
25	$124.92	$96.62	$117.05	$141.44	$119.07	$136.31	$162.77	$139.28	$129.38	$187.11	$111.47	$137.66	$109.40	$160.70	$125.87	$110.12	$108.68
26	$128.75	$98.82	$119.79	$145.35	$122.18	$140.13	$167.58	$143.19	$132.93	$193.60	$114.03	$141.12	$112.05	$165.15	$129.15	$112.95	$111.51
27	$132.57	$101.03	$122.54	$149.27	$125.28	$143.96	$172.40	$147.11	$136.49	$199.25	$116.60	$144.59	$114.71	$169.61	$132.44	$115.79	$114.35
28	$136.40	$103.23	$125.28	$153.18	$128.39	$147.78	$177.21	$151.02	$140.04	$204.90	$119.16	$148.05	$117.36	$174.06	$135.72	$118.62	$117.18
29	$140.22	$105.44	$128.03	$157.10	$131.49	$151.61	$182.03	$154.94	$143.60	$210.55	$121.73	$151.52	$120.02	$178.52	$139.01	$121.46	$120.02
30	$144.05	$107.64	$130.77	$161.01	$134.60	$155.43	$186.84	$158.85	$147.15	$216.20	$124.29	$154.98	$122.67	$182.97	$142.29	$124.29	$122.85
31	$147.24	$109.85	$133.52	$164.93	$137.70	$159.26	$191.66	$162.77	$150.71	$221.85	$126.86	$158.45	$125.33	$187.43	$145.58	$127.13	$125.69
32	$150.44	$112.05	$136.26	$168.84	$140.81	$163.08	$196.47	$166.68	$154.26	$227.50	$129.42	$161.91	$127.98	$192.37	$148.86	$129.96	$128.52
33	$153.63	$114.26	$139.01	$172.76	$143.91	$166.91	$201.29	$170.60	$157.82	$233.15	$131.99	$165.38	$130.64	$197.78	$152.15	$132.80	$131.36
34	$156.83	$116.46	$141.75	$176.67	$147.02	$170.73	$206.10	$174.51	$161.37	$238.80	$134.55	$168.84	$133.29	$203.19	$155.43	$135.63	$134.19
35	$160.02	$118.67	$144.50	$180.59	$150.12	$174.56	$210.92	$178.43	$164.93	$244.45	$137.12	$172.31	$135.95	$208.60	$158.72	$138.47	$137.03
36	$163.22	$120.87	$147.24	$184.50	$153.23	$178.38	$215.73	$182.34	$168.48	$250.10	$139.68	$175.77	$138.60	$214.01	$162.00	$141.30	$139.86

37	$166.41	$123.08	$149.99	$188.42	$156.33	$182.21	$220.55	$186.26	$172.04	$255.75	$142.25	$179.24	$141.26	$219.42	$165.29	$144.14	$142.70
38	$169.61	$125.28	$152.73	$192.33	$159.44	$186.03	$225.36	$190.17	$175.59	$261.40	$144.81	$182.70	$143.91	$224.83	$168.57	$146.97	$145.53
39	$172.80	$127.49	$155.48	$196.25	$162.54	$189.86	$230.18	$194.09	$179.15	$267.05	$147.38	$186.17	$146.57	$230.24	$171.86	$149.81	$148.37
40	$176.00	$129.69	$158.22	$200.16	$165.65	$193.68	$234.99	$198.00	$182.70	$272.70	$149.94	$189.63	$149.22	$235.65	$175.14	$152.64	$151.20
41	$179.19	$131.90	$160.97	$204.08	$168.75	$197.51	$239.81	$201.92	$186.26	$278.35	$152.51	$193.10	$151.88	$241.06	$178.43	$155.48	$154.04
42	$182.39	$134.10	$163.71	$207.99	$171.86	$201.33	$244.62	$205.83	$189.81	$284.00	$155.07	$196.56	$154.53	$246.47	$181.71	$158.31	$156.87
43	$185.58	$136.31	$166.46	$211.91	$174.96	$205.16	$249.44	$209.75	$193.37	$289.65	$157.64	$200.03	$157.19	$251.88	$185.00	$161.15	$159.71
44	$188.78	$138.51	$169.20	$215.82	$178.07	$208.98	$254.25	$213.66	$196.92	$295.30	$160.20	$203.49	$159.84	$257.29	$188.28	$163.98	$162.54
45	$191.97	-	$171.95	$219.74	$181.17	$212.81	$259.07	$217.58	$200.48	$300.95	$162.77	$206.96	$162.50	$262.70	$191.57	$166.82	$165.38
46	$195.17	-	$174.69	$223.65	$184.28	$216.63	$263.88	$221.49	$204.03	$306.60	$165.33	$210.42	$165.15	$268.11	$194.85	$169.65	$168.21
47	$198.36	-	$177.44	$227.57	$187.38	$220.46	$268.70	$225.41	$207.59	$312.25	$167.90	$213.89	$167.81	$273.52	$198.14	$172.49	$171.05
48	$201.56	-	$180.18	$231.48	$190.49	$224.28	$273.51	$229.32	$211.14	$317.90	$170.46	$217.35	$170.46	$278.93	$201.42	$175.32	$173.88
49	$204.75	-	$182.93	$235.40	$193.59	$228.11	$278.33	$233.24	$214.70	$323.55	$173.03	$220.82	$173.12	$284.34	$204.71	$178.16	$176.72
50	$207.95	-	$185.67	$239.31	$196.70	$231.93	$283.14	$237.15	$218.25	$329.20	$175.59	$224.28	$175.77	$289.75	$207.99	$180.99	$179.55
51	$211.14	-	$188.42	$243.23	$199.80	$235.76	$287.96	$241.07	$221.81	$334.85	$178.16	$227.75	$178.43	$295.16	$211.28	$183.83	$182.39
52	$214.34	-	$191.16	$247.14	$202.91	$239.58	$292.77	$244.98	$225.36	$340.50	$180.72	$231.21	$181.08	$300.57	$214.56	$186.66	$185.22
53	$217.53	-	$193.91	$251.06	$206.01	$243.41	$297.59	$248.90	$228.92	$346.15	$183.29	$234.68	$183.74	$305.98	$217.85	$189.50	$188.06
54	$220.73	-	$196.65	$254.97	$209.12	$247.23	$302.40	$252.81	$232.47	$351.80	$185.85	$238.14	$186.39	$311.39	$221.13	$192.33	$190.89
55	$223.92	-	$199.40	$258.89	$212.22	$251.06	$307.22	$256.73	$236.03	$357.45	$188.42	$241.61	$189.05	$316.80	$224.42	$195.17	$193.73
56	$227.12	-	$202.14	$262.80	$215.33	$254.88	$312.03	$260.64	$239.58	$363.10	$190.98	$245.07	$191.70	$322.21	$227.70	$198.00	$196.56
57	$230.31	-	$204.89	$266.72	$218.43	$258.71	$316.85	$264.56	$243.14	$368.75	$193.55	$248.54	$194.36	$327.62	$230.99	$200.84	$199.40
58	$233.51	-	$207.63	$270.63	$221.54	$262.53	$321.66	$268.47	$246.69	$374.40	$196.11	$252.00	$197.01	$333.03	$234.27	$203.67	$202.23
59	$236.70	-	$210.38	$274.55	$224.64	$266.36	$326.48	$272.39	$250.25	$380.05	$198.68	$255.47	$199.67	$338.44	$237.56	$206.51	$205.07
60	$239.90	-	$213.12	$278.46	$227.75	$270.18	$331.29	$276.30	$253.80	$385.70	$201.24	$258.93	$202.32	$343.85	$240.84	$209.34	$207.90
61	$243.55	-	$215.87	$282.38	$230.85	$274.01	$336.11	$280.22	$257.36	$391.35	$203.81	$262.40	$204.98	$349.26	$244.13	$212.18	$210.74
62	$247.26	-	$218.61	$286.29	$233.96	$277.83	$340.92	$284.13	$260.91	$397.00	$206.37	$265.86	$207.63	$354.67	$247.41	$215.01	$213.57
63	$250.96	-	$221.36	$290.21	$237.06	$281.66	$345.74	$288.05	$264.47	$402.65	$208.94	$269.33	$210.29	$360.08	$250.70	$217.85	$216.41
64	$254.66	-	$224.10	$294.12	$240.17	$285.48	$350.55	$291.96	$268.02	$408.30	$211.50	$272.79	$212.94	$365.49	$253.98	$220.68	$219.24
65	$258.36	-	$226.85	$298.04	$243.27	$289.31	$355.37	$295.88	$271.58	$413.95	$214.07	$276.26	$215.60	$370.90	$257.27	$223.52	$222.08
66	$262.06	-	$229.59	$301.95	$246.38	$293.13	$360.18	$299.79	$275.13	$419.60	$216.63	$279.72	$218.25	$376.31	$260.55	$226.35	$224.91
67	-	-	$232.34	$305.87	$249.48	$296.96	$365.00	$303.71	$278.69	-	-	-	-	-	-	-	-
68	-	-	$235.08	$309.78	$252.59	$300.78	$369.81	$307.62	$282.24	-	-	-	-	-	-	-	-
69	-	-	$237.83	$313.70	$255.69	$304.61	$374.63	$311.54	$285.80	-	-	-	-	-	-	-	-
70	-	-	$240.57	$317.61	$258.80	$308.43	$379.44	$315.45	$289.35	-	-	-	-	-	-	-	-

Express Mail International Commercial Plus Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
0.5	$30.56	$38.70	$40.50	$46.80	$43.20	$43.20	$43.20	$41.40	$40.50	$46.80	$45.00	$45.00	$45.00	$45.00	$45.00	$45.00	$45.00
1	$33.62	$40.28	$43.61	$47.84	$44.55	$45.68	$47.21	$45.32	$44.06	$48.92	$46.67	$50.27	$46.49	$46.22	$47.39	$46.13	$46.22
2	$36.02	$41.67	$46.20	$49.94	$46.07	$47.68	$50.29	$47.59	$46.02	$51.77	$48.37	$52.64	$47.42	$49.07	$48.89	$46.89	$46.72
3	$39.54	$44.41	$50.24	$53.64	$49.07	$51.20	$54.94	$51.37	$49.46	$56.25	$51.63	$56.68	$49.89	$53.46	$51.98	$49.20	$48.76
4	$43.07	$47.15	$54.29	$57.33	$52.07	$54.72	$59.60	$55.16	$52.90	$60.73	$54.90	$60.73	$52.37	$57.86	$55.07	$51.50	$50.81
5	$46.59	$49.89	$58.33	$61.03	$55.07	$58.25	$64.25	$58.94	$56.33	$65.21	$58.16	$64.77	$54.85	$62.25	$58.16	$53.81	$52.85
6	$48.59	$50.40	$59.22	$62.58	$56.07	$59.72	$66.53	$60.56	$57.71	$67.70	$58.55	$66.02	$55.36	$64.43	$59.22	$54.18	$53.17
7	$52.21	$52.63	$62.12	$66.23	$58.97	$63.21	$71.02	$64.22	$61.03	$72.45	$60.94	$69.51	$57.75	$68.75	$62.29	$56.41	$55.31
8	$55.82	$54.85	$65.02	$69.89	$61.87	$66.70	$75.52	$67.87	$64.34	$77.20	$63.34	$73.00	$60.14	$73.08	$65.35	$58.63	$57.46
9	$59.43	$57.08	$67.91	$73.54	$64.76	$70.18	$80.01	$71.53	$67.66	$82.99	$65.73	$76.48	$62.54	$77.41	$68.42	$60.86	$59.60
10	$63.04	$59.30	$70.81	$77.20	$67.66	$73.67	$84.50	$75.18	$70.98	$89.50	$68.12	$79.97	$64.93	$81.73	$71.48	$63.08	$61.74
11	$66.61	$61.36	$73.37	$80.85	$70.56	$77.24	$89.00	$78.83	$74.30	$96.00	$70.52	$83.20	$67.41	$86.48	$74.55	$65.73	$64.39
12	$70.18	$63.42	$75.94	$84.50	$73.46	$80.81	$93.49	$82.49	$77.62	$102.51	$72.91	$86.44	$69.89	$91.22	$77.62	$68.38	$67.03
13	$73.75	$65.48	$78.50	$88.16	$76.36	$84.38	$97.99	$86.14	$80.93	$109.02	$75.31	$89.67	$72.37	$95.97	$80.68	$71.02	$69.68
14	$77.32	$67.54	$81.06	$91.81	$79.25	$87.95	$102.48	$89.80	$84.25	$115.53	$77.70	$92.90	$74.84	$100.72	$83.75	$73.67	$72.32
15	$80.89	$69.59	$83.62	$95.47	$82.15	$91.52	$106.97	$93.45	$87.57	$122.04	$80.09	$96.14	$77.32	$105.46	$86.81	$76.31	$74.97
16	$84.46	$71.65	$86.18	$99.12	$85.05	$95.09	$111.47	$97.10	$90.89	$128.54	$82.49	$99.37	$79.80	$110.21	$89.88	$78.96	$77.62
17	$88.03	$73.71	$88.75	$102.77	$87.95	$98.66	$115.96	$100.76	$94.21	$135.05	$84.88	$102.61	$82.28	$114.95	$92.95	$81.61	$80.26
18	$91.60	$75.77	$91.31	$106.43	$90.85	$102.23	$120.46	$104.41	$97.52	$141.56	$87.28	$105.84	$84.76	$119.70	$96.01	$84.25	$82.91
19	$95.17	$77.83	$93.87	$110.08	$93.74	$105.80	$124.95	$108.07	$100.84	$148.07	$89.67	$109.07	$87.23	$124.45	$99.08	$86.90	$85.55
20	$98.74	$79.88	$96.43	$113.74	$96.64	$109.37	$129.44	$111.72	$104.16	$154.58	$92.06	$112.31	$89.71	$129.19	$102.14	$89.54	$88.20
21	$102.31	$81.94	$98.99	$117.39	$99.54	$112.94	$133.94	$115.37	$107.48	$158.40	$94.46	$115.54	$92.19	$133.35	$105.21	$92.19	$90.85
22	$105.88	$84.00	$101.56	$121.04	$102.44	$116.51	$138.43	$119.03	$110.80	$164.80	$96.85	$118.78	$94.67	$137.51	$108.28	$94.84	$93.49
23	$109.45	$86.06	$104.12	$124.70	$105.34	$120.08	$142.93	$122.68	$114.11	$171.20	$99.25	$122.01	$97.15	$141.67	$111.34	$97.48	$96.14
24	$113.02	$88.12	$106.68	$128.35	$108.23	$123.65	$147.42	$126.34	$117.43	$177.60	$101.64	$125.24	$99.62	$146.61	$114.41	$100.13	$98.78

25	$116.59	$90.17	$109.24	$132.01	$111.13	$127.22	$151.91	$129.99	$120.75	$184.00	$104.03	$128.48	$102.10	$151.93	$117.47	$102.77	$101.43
26	$120.16	$92.23	$111.80	$135.66	$114.03	$130.79	$156.41	$133.64	$124.07	$190.40	$106.43	$131.71	$104.58	$157.25	$120.54	$105.42	$104.08
27	$123.73	$94.29	$114.37	$139.31	$116.93	$134.36	$160.90	$137.30	$127.39	$196.79	$108.82	$134.95	$107.06	$162.57	$123.61	$108.07	$106.72
28	$127.30	$96.35	$116.93	$142.97	$119.83	$137.93	$165.40	$140.95	$130.70	$203.19	$111.22	$138.18	$109.54	$167.89	$126.67	$110.71	$109.37
29	$130.87	$98.41	$119.49	$146.62	$122.72	$141.50	$169.89	$144.61	$134.02	$209.59	$113.61	$141.41	$112.01	$173.21	$129.74	$113.36	$112.01
30	$134.44	$100.46	$122.05	$150.28	$125.62	$145.07	$174.38	$148.26	$137.34	$215.99	$116.00	$144.65	$114.49	$178.53	$132.80	$116.00	$114.66
31	$137.42	$102.52	$124.61	$153.93	$128.52	$148.64	$178.88	$151.91	$140.66	$221.85	$118.40	$147.88	$116.97	$183.84	$135.87	$118.65	$117.31
32	$140.41	$104.58	$127.18	$157.58	$131.42	$152.21	$183.37	$155.57	$143.98	$227.50	$120.79	$151.12	$119.45	$189.16	$138.94	$121.30	$119.95
33	$143.39	$106.64	$129.74	$161.24	$134.32	$155.78	$187.87	$159.22	$147.29	$233.15	$123.19	$154.35	$121.93	$194.48	$142.00	$123.94	$122.60
34	$146.37	$108.70	$132.30	$164.89	$137.21	$159.35	$192.36	$162.88	$150.61	$238.80	$125.58	$157.58	$124.40	$199.80	$145.07	$126.59	$125.24
35	$149.35	$110.75	$134.86	$168.55	$140.11	$162.92	$196.85	$166.53	$153.93	$244.45	$127.97	$160.82	$126.88	$205.12	$148.13	$129.23	$127.89
36	$152.33	$112.81	$137.42	$172.20	$143.01	$166.49	$201.35	$170.18	$157.25	$250.10	$130.37	$164.05	$129.36	$210.44	$151.20	$131.88	$130.54
37	$155.32	$114.87	$139.99	$175.85	$145.91	$170.06	$205.84	$173.84	$160.57	$255.75	$132.76	$167.29	$131.84	$215.76	$154.27	$134.53	$133.18
38	$158.30	$116.93	$142.55	$179.51	$148.81	$173.63	$210.34	$177.49	$163.88	$261.40	$135.16	$170.52	$134.32	$221.08	$157.33	$137.17	$135.83
39	$161.28	$118.99	$145.11	$183.16	$151.70	$177.20	$214.83	$181.15	$167.20	$267.05	$137.55	$173.75	$136.79	$226.40	$160.40	$139.82	$138.47
40	$164.26	$121.04	$147.67	$186.82	$154.60	$180.77	$219.32	$184.80	$170.52	$272.70	$139.94	$176.99	$139.27	$231.72	$163.46	$142.46	$141.12
41	$167.24	$123.10	$150.23	$190.47	$157.50	$184.34	$223.82	$188.45	$173.84	$278.35	$142.34	$180.22	$141.75	$237.04	$166.53	$145.11	$143.77
42	$170.33	$125.16	$152.80	$194.12	$160.40	$187.91	$228.31	$192.11	$177.16	$284.00	$144.73	$183.46	$144.23	$242.36	$169.60	$147.76	$146.41
43	$173.97	$127.22	$155.36	$197.78	$163.30	$191.48	$232.81	$195.76	$180.47	$289.65	$147.13	$186.69	$146.71	$247.68	$172.66	$150.40	$149.06
44	$177.61	$129.28	$157.92	$201.43	$166.19	$195.05	$237.30	$199.42	$183.79	$295.30	$149.52	$189.92	$149.18	$253.00	$175.73	$153.05	$151.70
45	$181.25	-	$160.48	$205.09	$169.09	$198.62	$241.79	$203.07	$187.11	$300.95	$151.91	$193.16	$151.66	$258.32	$178.79	$155.69	$154.35
46	$184.89	-	$163.04	$208.74	$171.99	$202.19	$246.29	$206.72	$190.43	$306.60	$154.31	$196.39	$154.14	$263.64	$181.86	$158.34	$157.00
47	$188.53	-	$165.61	$212.39	$174.89	$205.76	$250.78	$210.38	$193.75	$312.25	$156.70	$199.63	$156.62	$268.96	$184.93	$160.99	$159.64
48	$192.17	-	$168.17	$216.05	$177.79	$209.33	$255.28	$214.03	$197.06	$317.90	$159.10	$202.86	$159.10	$274.28	$187.99	$163.63	$162.29
49	$195.81	-	$170.73	$219.70	$180.68	$212.90	$259.77	$217.69	$200.38	$323.55	$161.49	$206.09	$161.57	$279.60	$191.06	$166.28	$164.93
50	$199.45	-	$173.29	$223.36	$183.58	$216.47	$264.26	$221.34	$203.70	$329.20	$163.88	$209.33	$164.05	$284.92	$194.12	$168.92	$167.58
51	$203.09	-	$175.85	$227.01	$186.48	$220.04	$268.76	$224.99	$207.02	$334.85	$166.28	$212.56	$166.53	$290.24	$197.19	$171.57	$170.23
52	$206.73	-	$178.42	$230.66	$189.38	$223.61	$273.25	$228.65	$210.34	$340.50	$168.67	$215.80	$169.01	$295.56	$200.26	$174.22	$172.87
53	$210.37	-	$180.98	$234.32	$192.28	$227.18	$277.75	$232.30	$213.65	$346.15	$171.07	$219.03	$171.49	$300.88	$203.32	$176.86	$175.52

54	$214.01	-	$183.54	$237.97	$195.17	$230.75	$282.24	$235.96	$216.97	$351.80	$173.46	$222.26	$173.96	$306.20	$206.39	$179.51	$178.16
55	$217.65	-	$186.10	$241.63	$198.07	$234.32	$286.73	$239.61	$220.29	$357.45	$175.85	$225.50	$176.44	$311.52	$209.45	$182.15	$180.81
56	$221.29	-	$188.66	$245.28	$200.97	$237.89	$291.23	$243.26	$223.61	$363.10	$178.25	$228.73	$178.92	$316.84	$212.52	$184.80	$183.46
57	$224.93	-	$191.23	$248.93	$203.87	$241.46	$295.72	$246.92	$226.93	$368.75	$180.64	$231.97	$181.40	$322.16	$215.59	$187.45	$186.10
58	$228.57	-	$193.79	$252.59	$206.77	$245.03	$300.22	$250.57	$230.24	$374.40	$183.04	$235.20	$183.88	$327.48	$218.65	$190.09	$188.75
59	$232.21	-	$196.35	$256.24	$209.66	$248.60	$304.71	$254.23	$233.56	$380.05	$185.43	$238.43	$186.35	$332.80	$221.72	$192.74	$191.39
60	$235.85	-	$198.91	$259.90	$212.56	$252.17	$309.20	$257.88	$236.88	$385.70	$187.82	$241.67	$188.83	$338.12	$224.78	$195.38	$194.04
61	$239.49	-	$201.47	$263.55	$215.46	$255.74	$313.70	$261.53	$240.20	$391.35	$190.22	$244.90	$191.31	$343.44	$227.85	$198.03	$196.69
62	$243.13	-	$204.04	$267.20	$218.36	$259.31	$318.19	$265.19	$243.52	$397.00	$192.61	$248.14	$193.79	$348.76	$230.92	$200.68	$199.33
63	$246.77	-	$206.60	$270.86	$221.26	$262.88	$322.69	$268.84	$246.83	$402.65	$195.01	$251.37	$196.27	$354.08	$233.98	$203.32	$201.98
64	$250.42	-	$209.16	$274.51	$224.15	$266.45	$327.18	$272.50	$250.15	$408.30	$197.40	$254.60	$198.74	$359.40	$237.05	$205.97	$204.62
65	$254.06	-	$211.72	$278.17	$227.05	$270.02	$331.67	$276.15	$253.47	$413.95	$199.79	$257.84	$201.22	$364.71	$240.11	$208.61	$207.27
66	$257.70	-	$214.28	$281.82	$229.95	$273.59	$336.17	$279.80	$256.79	$419.60	$202.19	$261.07	$203.70	$370.03	$243.18	$211.26	$209.92
67	-	-	$216.85	$285.47	$232.85	$277.16	$340.66	$283.46	$260.11	-	-	-	-	-	-	-	-
68	-	-	$219.41	$289.13	$235.75	$280.73	$345.16	$287.11	$263.42	-	-	-	-	-	-	-	-
69	-	-	$221.97	$292.78	$238.64	$284.30	$349.65	$290.77	$266.74	-	-	-	-	-	-	-	-
70	-	-	$224.53	$296.44	$241.54	$287.87	$354.14	$294.42	$270.06	-	-	-	-	-	-	-	-

Express Mail International Promotional Sales

The Postal Service may offer one or more promotions in the form of a discount or rebate on certain Express Mail International service, which may be available only to certain destinations, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program.

Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section 2135.6~~1405.6~~) for each Pickup On Demand stop.

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2315 Outbound Priority Mail International

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2315.4 Price Categories

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• Commercial Plus—For selected destination countries, available for customers who use specifically authorized postage payment methods and must tender at least $100,000 per year of any combination of Priority Mail International, Express Mail International, Global Express Guaranteed, *or First-Class Package International Service* items. The discount applies only to the postage portion of Priority Mail International prices.

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2315.7 Prices

Priority Mail International Retail Flat Rate Prices[1] [2]

	Country Price Group	
	Canada ~~&~~ ~~Mexico~~ (Price Group 1 ~~& 2~~) ($)	**All Other Countries (Price Groups 23 through 17) ($)**
Flat Rate Envelopes	19.95	23.95
Letter Post Flat Rate Boxes	19.95	23.95
Medium Flat Rate Boxes	40.95	59.95
Large Flat Rate Boxes	53.95	77.95

Notes

1. No additional discount is offered for Commercial Base or Commercial Plus.

2. Electronic USPS Delivery Confirmation® International, which is optionally provided at no charge, offers scan events for customers using select software or online tools. It is available for certain Priority Mail International Flat Rate Envelopes and Small Flat Rate Box offerings to select destinations.

Priority Mail International Parcels Retail Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	$28.25	$33.25	$35.95	$41.00	$38.00	$39.25	$39.75	$36.75	$36.50	$39.95	$42.00	$42.50	$35.50	$40.50	$36.75	$35.00	$35.00
2	$30.60	$36.30	$40.40	$45.45	$40.55	$42.80	$44.50	$40.70	$40.35	$44.10	$45.85	$45.35	$38.55	$44.55	$39.90	$37.95	$38.15
3	$32.95	$39.35	$44.85	$49.90	$43.10	$46.35	$49.25	$44.65	$44.20	$48.25	$49.70	$48.20	$41.60	$48.60	$43.05	$40.90	$41.30
4	$35.30	$42.40	$49.30	$54.35	$45.65	$49.90	$54.00	$48.60	$48.05	$52.40	$53.55	$51.05	$44.65	$52.65	$46.20	$43.85	$44.45
5	$37.65	$45.45	$53.75	$58.80	$48.20	$53.45	$58.75	$52.55	$51.90	$56.55	$57.40	$53.90	$47.70	$56.70	$49.35	$46.80	$47.60
6	$40.00	$47.80	$56.60	$62.85	$50.75	$57.00	$63.60	$56.10	$54.85	$60.90	$60.35	$56.65	$50.35	$59.65	$52.40	$49.55	$50.25
7	$42.35	$50.15	$59.45	$66.90	$53.30	$60.55	$68.45	$59.65	$57.80	$65.25	$63.30	$59.40	$53.00	$62.60	$55.45	$52.30	$52.90
8	$44.70	$52.50	$62.30	$70.95	$55.85	$64.10	$73.30	$63.20	$60.75	$69.60	$66.25	$62.15	$55.65	$65.55	$58.50	$55.05	$55.55
9	$47.05	$54.85	$65.15	$75.00	$58.40	$67.65	$78.15	$66.75	$63.70	$73.95	$69.20	$64.90	$58.30	$68.50	$61.55	$57.80	$58.20
10	$49.40	$57.20	$68.00	$79.05	$60.95	$71.20	$83.00	$70.30	$66.65	$78.30	$72.15	$67.65	$60.95	$71.45	$64.60	$60.55	$60.85
11	$51.95	$59.25	$70.85	$83.10	$63.40	$74.75	$88.15	$73.75	$69.60	$82.75	$75.00	$70.40	$63.40	$74.40	$68.15	$62.60	$63.20
12	$54.50	$61.30	$73.70	$87.15	$65.85	$78.30	$93.30	$77.20	$72.55	$87.20	$77.85	$73.15	$65.85	$77.35	$71.70	$64.65	$65.55
13	$57.05	$63.35	$76.55	$91.20	$68.30	$81.85	$98.45	$80.65	$75.50	$91.65	$80.70	$75.90	$68.30	$80.30	$75.25	$66.70	$67.90
14	$59.60	$65.40	$79.40	$95.25	$70.75	$85.40	$103.60	$84.10	$78.45	$96.10	$83.55	$78.65	$70.75	$83.25	$78.80	$68.75	$70.25
15	$62.15	$67.45	$82.25	$99.30	$73.20	$88.95	$108.75	$87.55	$81.40	$100.55	$86.40	$81.40	$73.20	$86.20	$82.35	$70.80	$72.60
16	$64.70	$69.50	$85.10	$103.35	$75.65	$92.50	$113.90	$91.00	$84.35	$105.00	$89.25	$84.15	$75.65	$89.15	$85.90	$72.85	$74.95
17	$67.25	$71.55	$87.95	$107.40	$78.10	$96.05	$119.05	$94.45	$87.30	$109.45	$92.10	$86.90	$78.10	$92.10	$89.45	$74.90	$77.30
18	$69.80	$73.60	$90.80	$111.45	$80.55	$99.60	$124.20	$97.90	$90.25	$113.90	$94.95	$89.65	$80.55	$95.05	$93.00	$76.95	$79.65
19	$72.35	$75.65	$93.65	$115.50	$83.00	$103.15	$129.35	$101.35	$93.20	$118.35	$97.80	$92.40	$83.00	$98.00	$96.55	$79.00	$82.00
20	$74.90	$77.70	$96.50	$119.55	$85.45	$106.70	$134.50	$104.80	$96.15	$122.80	$100.65	$95.15	$85.45	$100.95	$100.10	$81.05	$84.35
21	$77.45	$79.75	$99.35	$123.60	$87.90	$110.25	$139.65	$108.25	$99.10	$127.25	$103.50	$97.90	$87.90	$103.90	$103.65	$83.10	$86.70
22	$80.00	$81.80	$102.20	$127.65	$90.35	$113.80	$144.80	$111.70	$102.05	$131.70	$106.35	$100.65	$90.35	$106.85	$107.20	$85.15	$89.05
23	$82.55	$83.85	$105.05	$131.70	$92.80	$117.35	$149.95	$115.15	$105.00	$136.15	$109.20	$103.40	$92.80	$109.80	$110.75	$87.20	$91.40
24	$85.10	$85.90	$107.90	$135.75	$95.25	$120.90	$155.10	$118.60	$107.95	$140.60	$112.05	$106.15	$95.25	$112.75	$114.30	$89.25	$93.75
25	$87.65	$87.95	$110.75	$139.80	$97.70	$124.45	$160.25	$122.05	$110.90	$145.05	$114.90	$108.90	$97.70	$115.70	$117.85	$91.30	$96.10
26	$90.20	$90.00	$113.60	$143.85	$100.15	$128.00	$165.40	$125.50	$113.85	$149.50	$117.75	$111.65	$100.15	$118.65	$121.40	$93.35	$98.45
27	$92.75	$92.05	$116.45	$147.90	$102.60	$131.55	$170.55	$128.95	$116.80	$153.95	$120.60	$114.40	$102.60	$121.60	$124.95	$95.40	$100.80

28	$95.30	$94.10	$119.30	$151.95	$105.05	$135.10	$175.70	$132.40	$119.75	$158.40	$123.45	$117.15	$105.05	$124.55	$128.50	$97.45	$103.15
29	$97.85	$96.15	$122.15	$156.00	$107.50	$138.65	$180.85	$135.85	$122.70	$162.85	$126.30	$119.90	$107.50	$127.50	$132.05	$99.50	$105.50
30	$100.40	$98.20	$125.00	$160.05	$109.95	$142.20	$186.00	$139.30	$125.65	$167.30	$129.15	$122.65	$109.95	$130.45	$135.60	$101.55	$107.85
31	$102.95	$100.25	$127.85	$164.10	$112.40	$145.75	$191.15	$142.75	$128.60	$171.75	$132.00	$125.40	$112.40	$133.40	$139.15	$103.60	$110.20
32	$105.50	$102.30	$130.70	$168.15	$114.85	$149.30	$196.30	$146.20	$131.55	$176.20	$134.85	$128.15	$114.85	$136.35	$142.70	$105.65	$112.55
33	$108.05	$104.35	$133.55	$172.20	$117.30	$152.85	$201.45	$149.65	$134.50	$180.65	$137.70	$130.90	$117.30	$139.30	$146.25	$107.70	$114.90
34	$110.60	$106.40	$136.40	$176.25	$119.75	$156.40	$206.60	$153.10	$137.45	$185.10	$140.55	$133.65	$119.75	$142.25	$149.80	$109.75	$117.25
35	$113.15	$108.45	$139.25	$180.30	$122.20	$159.95	$211.75	$156.55	$140.40	$189.55	$143.40	$136.40	$122.20	$145.20	$153.35	$111.80	$119.60
36	$115.70	$110.50	$142.10	$184.35	$124.65	$163.50	$216.90	$160.00	$143.35	$194.00	$146.25	$139.15	$124.65	$148.15	$156.90	$113.85	$121.95
37	$118.25	$112.55	$144.95	$188.40	$127.10	$167.05	$222.05	$163.45	$146.30	$198.45	$149.10	$141.90	$127.10	$151.10	$160.45	$115.90	$124.30
38	$120.80	$114.60	$147.80	$192.45	$129.55	$170.60	$227.20	$166.90	$149.25	$202.90	$151.95	$144.65	$129.55	$154.05	$164.00	$117.95	$126.65
39	$123.35	$116.65	$150.65	$196.50	$132.00	$174.15	$232.35	$170.35	$152.20	$207.35	$154.80	$147.40	$132.00	$157.00	$167.55	$120.00	$129.00
40	$125.90	$118.70	$153.50	$200.55	$134.45	$177.70	$237.50	$173.80	$155.15	$211.80	$157.65	$150.15	$134.45	$159.95	$171.10	$122.05	$131.35
41	$128.45	$120.75	$156.35	$204.60	$136.90	$181.25	$242.65	$177.25	$158.10	$216.25	$160.40	$152.90	$136.90	$162.90	$174.65	$124.10	$133.70
42	$131.00	$122.80	$159.20	$208.65	$139.35	$184.80	$247.80	$180.70	$161.05	$220.70	$163.15	$155.65	$139.35	$165.85	$178.20	$126.15	$136.05
43	$133.55	$124.85	$162.05	$212.70	$141.80	$188.35	$252.95	$184.15	$164.00	$225.15	$165.90	$158.40	$141.80	$168.80	$181.75	$128.20	$138.40
44	$136.10	$126.90	$164.90	$216.75	$144.25	$191.90	$258.10	$187.60	$166.95	$229.60	$168.65	$161.15	$144.25	$171.75	$185.30	$130.25	$140.75
45	$138.65	$128.95	$167.75	$220.80	$146.70	$195.45	$263.25	$191.05	$169.90	$234.05	$171.40	$163.90	$146.70	$174.70	$188.85	$132.30	-
46	$141.20	$131.00	$170.60	$224.85	$149.15	$199.00	$268.40	$194.50	$172.85	$238.50	$174.15	$166.65	$149.15	$177.65	$192.40	$134.35	-
47	$143.75	$133.05	$173.45	$228.90	$151.60	$202.55	$273.55	$197.95	$175.80	$242.95	$176.90	$169.40	$151.60	$180.60	$195.95	$136.40	-
48	$146.30	$135.10	$176.30	$232.95	$154.05	$206.10	$278.70	$201.40	$178.75	$247.40	$179.65	$172.15	$154.05	$183.55	$199.50	$138.45	-
49	$148.85	$137.15	$179.15	$237.00	$156.50	$209.65	$283.85	$204.85	$181.70	$251.85	$182.40	$174.90	$156.50	$186.50	$203.05	$140.50	-
50	$151.40	$139.20	$182.00	$241.05	$158.95	$213.20	$289.00	$208.30	$184.65	$256.30	$185.15	$177.65	$158.95	$189.45	$206.60	$142.55	-
51	$153.95	$141.25	$184.85	$245.10	$161.40	$216.75	$294.15	$211.75	$187.60	$260.75	$187.90	$180.40	$161.40	$192.40	$210.15	$144.60	-
52	$156.50	$143.30	$187.70	$249.15	$163.85	$220.30	$299.30	$215.20	$190.55	$265.20	$190.65	$183.15	$163.85	$195.35	$213.70	$146.65	-
53	$159.05	$145.35	$190.55	$253.20	$166.30	$223.85	$304.45	$218.65	$193.50	$269.65	$193.40	$185.90	$166.30	$198.30	$217.25	$148.70	-
54	$161.60	$147.40	$193.40	$257.25	$168.75	$227.40	$309.60	$222.10	$196.45	$274.10	$196.15	$188.65	$168.75	$201.25	$220.80	$150.75	-
55	$164.15	$149.45	$196.25	$261.30	$171.20	$230.95	$314.75	$225.55	$199.40	$278.55	$198.90	$191.40	$171.20	$204.20	$224.35	$152.80	-
56	$166.70	$151.50	$199.10	$265.35	$173.65	$234.50	$319.90	$229.00	$202.35	$283.00	$201.65	$194.15	$173.65	$207.15	$227.90	$154.85	-
57	$169.25	$153.55	$201.95	$269.40	$176.10	$238.05	$325.05	$232.45	$205.30	$287.45	$204.40	$196.90	$176.10	$210.10	$231.45	$156.90	-
58	$171.80	$155.60	$204.80	$273.45	$178.55	$241.60	$330.20	$235.90	$208.25	$291.90	$207.15	$199.65	$178.55	$213.05	$235.00	$158.95	-
59	$174.35	$157.65	$207.65	$277.50	$181.00	$245.15	$335.35	$239.35	$211.20	$296.35	$209.90	$202.40	$181.00	$216.00	$238.55	$161.00	-
60	$176.90	$159.70	$210.50	$281.55	$183.45	$248.70	$340.50	$242.80	$214.15	$300.80	$212.65	$205.15	$183.45	$218.95	$242.10	$163.05	-

61	$179.45	$161.75	$213.35	$285.60	$185.90	$252.25	$345.65	$246.25	$217.10	$305.25	$215.40	$207.90	$185.90	$221.90	$245.65	$165.10	-
62	$182.00	$163.80	$216.20	$289.65	$188.35	$255.80	$350.80	$249.70	$220.05	$309.70	$218.15	$210.65	$188.35	$224.85	$249.20	$167.15	-
63	$184.55	$165.85	$219.05	$293.70	$190.80	$259.35	$355.95	$253.15	$223.00	$314.15	$220.90	$213.40	$190.80	$227.80	$252.75	$169.20	-
64	$187.10	$167.90	$221.90	$297.75	$193.25	$262.90	$361.10	$256.60	$225.95	$318.60	$223.65	$216.15	$193.25	$230.75	$256.30	$171.25	-
65	$189.65	$169.95	$224.75	$301.80	$195.70	$266.45	$366.25	$260.05	$228.90	$323.05	$226.40	$218.90	$195.70	$233.70	$259.85	$173.30	-
66	$192.20	$172.00	$227.60	$305.85	$198.15	$270.00	$371.40	$263.50	$231.85	$327.50	$229.15	$221.65	$198.15	$236.65	$263.40	$175.35	-
67	-	-	$230.45	$309.90	$200.60	$273.55	$376.55	$266.95	$234.80	-	-	-	-	-	-	$177.40	-
68	-	-	$233.30	$313.95	$203.05	$277.10	$381.70	$270.40	$237.75	-	-	-	-	-	-	$179.45	-
69	-	-	$236.15	$318.00	$205.50	$280.65	$386.85	$273.85	$240.70	-	-	-	-	-	-	$181.50	-
70	-	-	$239.00	$322.05	$207.95	$284.20	$392.00	$277.30	$243.65	-	-	-	-	-	-	$183.55	-

Priority Mail International Commercial Base Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	$27.40	$32.25	$34.87	$39.77	$36.86	$38.07	$38.56	$35.65	$35.41	$38.75	$40.74	$41.23	$34.44	$39.29	$35.65	$33.95	$33.95
2	$28.76	$34.12	$37.98	$42.72	$38.12	$40.23	$41.83	$38.26	$37.93	$41.45	$43.10	$42.63	$36.24	$41.88	$37.51	$35.67	$35.86
3	$30.97	$36.99	$42.16	$46.91	$40.51	$43.57	$46.30	$41.97	$41.55	$45.36	$46.72	$45.31	$39.10	$45.68	$40.47	$38.45	$38.82
4	$33.18	$39.86	$46.34	$51.09	$42.91	$46.91	$50.76	$45.68	$45.17	$49.26	$50.34	$47.99	$41.97	$49.49	$43.43	$41.22	$41.78
5	$35.39	$42.72	$50.53	$55.27	$45.31	$50.24	$55.23	$49.40	$48.79	$53.16	$53.96	$50.67	$44.84	$53.30	$46.39	$43.99	$44.74
6	$36.80	$43.98	$52.07	$57.82	$46.69	$52.44	$58.51	$51.61	$50.46	$56.03	$55.52	$52.12	$46.32	$54.88	$48.21	$45.59	$46.23
7	$38.96	$46.14	$54.69	$61.55	$49.04	$55.71	$62.97	$54.88	$53.18	$60.03	$58.24	$54.65	$48.76	$57.59	$51.01	$48.12	$48.67
8	$41.12	$48.30	$57.32	$65.27	$51.38	$58.97	$67.44	$58.14	$55.89	$64.03	$60.95	$57.18	$51.20	$60.31	$53.82	$50.65	$51.11
9	$43.29	$50.46	$59.94	$69.00	$53.73	$62.24	$71.90	$61.41	$58.60	$68.03	$63.66	$59.71	$53.64	$63.02	$56.63	$53.18	$53.54
10	$45.45	$52.62	$62.56	$72.73	$56.07	$65.50	$76.36	$64.68	$61.32	$72.04	$66.38	$62.24	$56.07	$65.73	$59.43	$55.71	$55.98
11	$47.79	$54.51	$65.18	$76.45	$58.33	$68.77	$81.10	$67.85	$64.03	$76.53	$69.00	$64.77	$58.33	$68.45	$62.70	$57.59	$58.14
12	$50.14	$56.40	$67.80	$80.18	$60.58	$72.04	$85.84	$71.02	$66.75	$81.39	$71.62	$67.30	$60.58	$71.16	$65.96	$59.48	$60.31
13	$52.49	$58.28	$70.43	$83.90	$62.84	$75.30	$90.57	$74.20	$69.46	$86.26	$74.24	$69.83	$62.84	$73.88	$69.23	$61.36	$62.47
14	$54.83	$60.17	$73.05	$87.63	$65.09	$78.57	$95.31	$77.37	$72.17	$91.13	$76.87	$72.36	$65.09	$76.59	$72.50	$63.25	$64.63
15	$57.18	$62.05	$75.67	$91.36	$67.34	$81.83	$100.05	$80.55	$74.89	$96.00	$79.49	$74.89	$67.34	$79.30	$75.76	$65.14	$66.79
16	$59.52	$63.94	$78.29	$95.08	$69.60	$85.10	$104.79	$83.72	$77.60	$100.87	$82.11	$77.42	$69.60	$82.02	$79.03	$67.02	$68.95

17	$61.87	$65.83	$80.91	$98.81	$71.85	$88.37	$109.53	$86.89	$80.32	$105.73	$84.73	$79.95	$71.85	$84.73	$82.29	$68.91	$71.12
18	$64.22	$67.71	$83.54	$102.53	$74.11	$91.63	$114.26	$90.07	$83.03	$110.60	$87.35	$82.48	$74.11	$87.45	$85.56	$70.79	$73.28
19	$66.56	$69.60	$86.16	$106.26	$76.36	$94.90	$119.00	$93.24	$85.74	$115.47	$89.98	$85.01	$76.36	$90.16	$88.83	$72.68	$75.44
20	$68.91	$71.48	$88.78	$109.99	$78.61	$98.16	$123.74	$96.42	$88.46	$120.34	$92.60	$87.54	$78.61	$92.87	$92.09	$74.57	$77.60
21	$70.48	$72.57	$90.41	$112.48	$79.99	$100.33	$127.08	$98.51	$90.18	$121.17	$94.19	$89.09	$79.99	$94.55	$94.32	$75.62	$78.90
22	$72.80	$74.44	$93.00	$116.16	$82.22	$103.56	$131.77	$101.65	$92.87	$125.88	$96.78	$91.59	$82.22	$97.23	$97.55	$77.49	$81.04
23	$75.12	$76.30	$95.60	$119.85	$84.45	$106.79	$136.45	$104.79	$95.55	$130.59	$99.37	$94.09	$84.45	$99.92	$100.78	$79.35	$83.17
24	$77.44	$78.17	$98.19	$123.53	$86.68	$110.02	$141.14	$107.93	$98.23	$135.30	$101.97	$96.60	$86.68	$102.60	$104.01	$81.22	$85.31
25	$79.76	$80.03	$100.78	$127.22	$88.91	$113.25	$145.83	$111.07	$100.92	$140.01	$104.56	$99.10	$88.91	$105.29	$107.24	$83.08	$87.45
26	$82.08	$81.90	$103.38	$130.90	$91.14	$116.48	$150.51	$114.21	$103.60	$144.72	$107.15	$101.60	$91.14	$107.97	$110.47	$84.95	$89.59
27	$84.40	$83.77	$105.97	$134.59	$93.37	$119.71	$155.20	$117.34	$106.29	$149.43	$109.75	$104.10	$93.37	$110.66	$113.70	$86.81	$91.73
28	$86.72	$85.63	$108.56	$138.27	$95.60	$122.94	$159.89	$120.48	$108.97	$154.14	$112.34	$106.61	$95.60	$113.34	$116.94	$88.68	$93.87
29	$89.04	$87.50	$111.16	$141.96	$97.83	$126.17	$164.57	$123.62	$111.66	$158.85	$114.93	$109.11	$97.83	$116.03	$120.17	$90.55	$96.01
30	$91.36	$89.36	$113.75	$145.65	$100.05	$129.40	$169.26	$126.76	$114.34	$163.56	$117.53	$111.61	$100.05	$118.71	$123.40	$92.41	$98.14
31	$93.68	$91.23	$116.34	$149.33	$102.28	$132.63	$173.95	$129.90	$117.03	$168.28	$120.12	$114.11	$102.28	$121.39	$126.63	$94.28	$100.28
32	$96.01	$93.09	$118.94	$153.02	$104.51	$135.86	$178.63	$133.04	$119.71	$172.99	$122.71	$116.62	$104.51	$124.08	$129.86	$96.14	$102.42
33	$98.33	$94.96	$121.53	$156.70	$106.74	$139.09	$183.32	$136.18	$122.40	$177.70	$125.31	$119.12	$106.74	$126.76	$133.09	$98.01	$104.56
34	$100.65	$96.82	$124.12	$160.39	$108.97	$142.32	$188.01	$139.32	$125.08	$182.41	$127.90	$121.62	$108.97	$129.45	$136.32	$99.87	$106.70
35	$102.97	$98.69	$126.72	$164.07	$111.20	$145.55	$192.69	$142.46	$127.76	$187.12	$130.49	$124.12	$111.20	$132.13	$139.55	$101.74	$108.84

36	$105.29	$100.56	$129.31	$167.76	$113.43	$148.79	$197.38	$145.60	$130.45	$191.83	$133.09	$126.63	$113.43	$134.82	$142.78	$103.60	$110.97
37	$107.61	$102.42	$131.90	$171.44	$115.66	$152.02	$202.07	$148.74	$133.13	$196.54	$135.68	$129.13	$115.66	$137.50	$146.01	$105.47	$113.11
38	$109.93	$104.29	$134.50	$175.13	$117.89	$155.25	$206.75	$151.88	$135.82	$201.25	$138.27	$131.63	$117.89	$140.19	$149.24	$107.33	$115.25
39	$112.25	$106.15	$137.09	$178.82	$120.12	$158.48	$211.44	$155.02	$138.50	$205.96	$140.87	$134.13	$120.12	$142.87	$152.47	$109.20	$117.39
40	$114.57	$108.02	$139.69	$182.50	$122.35	$161.71	$216.13	$158.16	$141.19	$210.67	$143.46	$136.64	$122.35	$145.55	$155.70	$111.07	$119.53
41	$116.89	$109.88	$142.28	$186.19	$124.58	$164.94	$220.81	$161.30	$143.87	$215.38	$145.96	$139.14	$124.58	$148.24	$158.93	$112.93	$121.67
42	$119.21	$111.75	$144.87	$189.87	$126.81	$168.17	$225.50	$164.44	$146.56	$220.10	$148.47	$141.64	$126.81	$150.92	$162.16	$114.80	$123.81
43	$121.53	$113.61	$147.47	$193.56	$129.04	$171.40	$230.18	$167.58	$149.24	$224.81	$150.97	$144.14	$129.04	$153.61	$165.39	$116.66	$125.94
44	$123.85	$115.48	$150.06	$197.24	$131.27	$174.63	$234.87	$170.72	$151.92	$229.52	$153.47	$146.65	$131.27	$156.29	$168.62	$118.53	$128.08
45	$126.17	-	$152.65	$200.93	$133.50	$177.86	$239.56	$173.86	$154.61	$234.05	$155.97	$149.15	$133.50	$158.98	$171.85	$120.39	-
46	$128.49	-	$155.25	$204.61	$135.73	$181.09	$244.24	$177.00	$157.29	$238.50	$158.48	$151.65	$135.73	$161.66	$175.08	$122.26	-
47	$130.81	-	$157.84	$208.30	$137.96	$184.32	$248.93	$180.13	$159.98	$242.95	$160.98	$154.15	$137.96	$164.35	$178.31	$124.12	-
48	$133.13	-	$160.43	$211.98	$140.19	$187.55	$253.62	$183.27	$162.66	$247.40	$163.67	$156.66	$140.19	$167.03	$181.55	$125.99	-
49	$135.45	-	$163.03	$215.67	$142.42	$190.78	$258.30	$186.41	$165.35	$251.85	$166.48	$159.16	$142.42	$169.72	$184.78	$127.86	-
50	$137.77	-	$165.62	$219.36	$144.64	$194.01	$262.99	$189.55	$168.03	$256.30	$169.29	$161.66	$144.64	$172.40	$188.01	$129.72	-
51	$140.09	-	$168.21	$223.04	$146.87	$197.24	$267.68	$192.69	$170.72	$260.75	$172.10	$164.16	$146.87	$175.08	$191.24	$131.59	-
52	$142.42	-	$170.81	$226.73	$149.10	$200.47	$272.36	$195.83	$173.40	$265.20	$174.91	$166.67	$149.10	$177.77	$194.47	$133.45	-
53	$144.74	-	$173.40	$230.41	$151.33	$203.70	$277.05	$198.97	$176.09	$269.65	$177.72	$169.17	$151.33	$180.45	$197.70	$135.32	-
54	$147.06	-	$175.99	$234.10	$153.56	$206.93	$281.74	$202.11	$178.77	$274.10	$180.53	$171.67	$153.56	$183.14	$200.93	$137.18	-

55	$149.38	-	$178.59	$237.78	$155.79	$210.16	$286.42	$205.25	$181.45	$278.55	$183.34	$174.17	$155.79	$185.82	$204.16	$139.05	-
56	$151.70	-	$181.18	$241.47	$158.02	$213.40	$291.11	$208.39	$184.14	$283.00	$186.14	$176.68	$158.02	$188.51	$207.39	$140.91	-
57	$154.02	-	$183.77	$245.15	$160.25	$216.63	$295.80	$211.53	$186.97	$287.45	$188.95	$179.18	$160.25	$191.19	$210.62	$142.78	-
58	$156.34	-	$186.37	$248.84	$162.48	$219.86	$300.48	$214.67	$189.84	$291.90	$191.76	$181.68	$162.48	$193.88	$213.85	$144.64	-
59	$158.66	-	$188.96	$252.53	$164.71	$223.09	$305.17	$217.81	$192.71	$296.35	$194.57	$184.18	$164.71	$196.56	$217.08	$146.51	-
60	$160.98	-	$191.56	$256.21	$166.94	$226.32	$309.86	$220.95	$195.57	$300.80	$197.38	$186.69	$166.94	$199.24	$220.31	$148.38	-
61	$163.30	-	$194.15	$259.90	$169.17	$229.55	$314.54	$224.09	$198.44	$305.25	$200.19	$189.19	$169.17	$201.93	$223.54	$150.24	-
62	$165.62	-	$196.74	$263.58	$171.40	$232.78	$319.23	$227.23	$201.31	$309.70	$203.00	$191.69	$171.40	$204.61	$226.77	$152.11	-
63	$167.94	-	$199.34	$267.27	$173.63	$236.01	$323.91	$230.37	$204.18	$314.15	$205.81	$194.19	$173.63	$207.30	$230.00	$153.97	-
64	$170.26	-	$201.93	$270.95	$175.86	$239.24	$328.60	$233.51	$207.04	$318.60	$208.62	$196.70	$175.86	$209.98	$233.23	$155.84	-
65	$172.58	-	$204.52	$274.64	$178.09	$242.47	$333.29	$236.65	$209.91	$323.05	$211.43	$199.20	$178.09	$212.67	$236.46	$157.70	-
66	$174.90	-	$207.12	$278.32	$180.32	$245.70	$337.97	$239.79	$212.78	$327.50	$214.24	$201.70	$180.32	$215.35	$239.69	$159.57	-
67	-	-	$209.71	$282.01	$182.55	$248.93	$342.66	$242.92	$215.64	-	-	-	-	-	-	$161.43	-
68	-	-	$212.30	$285.69	$184.78	$252.16	$347.35	$246.06	$218.51	-	-	-	-	-	-	$163.30	-
69	-	-	$214.90	$289.38	$187.01	$255.39	$352.03	$249.20	$221.38	-	-	-	-	-	-	$165.17	-
70	-	-	$217.49	$293.07	$189.23	$258.62	$356.72	$252.34	$224.24	-	-	-	-	-	-	$167.03	-

Priority Mail International Commercial Plus Prices

Weight Not Over (lb.)	Price Groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	$25.99	$30.59	$33.07	$37.72	$34.96	$36.11	$36.57	$33.81	$33.58	$36.75	$38.64	$39.10	$32.66	$37.26	$33.81	$32.20	$32.20
2	$26.93	$31.94	$35.55	$40.00	$35.68	$37.66	$39.16	$35.82	$35.51	$38.81	$40.35	$39.91	$33.92	$39.20	$35.11	$33.40	$33.57
3	$29.00	$34.63	$39.47	$43.91	$37.93	$40.79	$43.34	$39.29	$38.90	$42.46	$43.74	$42.42	$36.61	$42.77	$37.88	$35.99	$36.34
4	$31.06	$37.31	$43.38	$47.83	$40.17	$43.91	$47.52	$42.77	$42.28	$46.11	$47.12	$44.92	$39.29	$46.33	$40.66	$38.59	$39.12
5	$33.13	$40.00	$47.30	$51.74	$42.42	$47.04	$51.70	$46.24	$45.67	$49.76	$50.51	$47.43	$41.98	$49.90	$43.43	$41.18	$41.89
6	$34.40	$41.11	$48.68	$54.05	$43.65	$49.02	$54.70	$48.25	$47.17	$52.37	$51.90	$48.72	$43.30	$51.30	$45.06	$42.61	$43.22
7	$36.42	$43.13	$51.13	$57.53	$45.84	$52.07	$58.87	$51.30	$49.71	$56.12	$54.44	$51.08	$45.58	$53.84	$47.69	$44.98	$45.49
8	$38.44	$45.15	$53.58	$61.02	$48.03	$55.13	$63.04	$54.35	$52.25	$59.86	$56.98	$53.45	$47.86	$56.37	$50.31	$47.34	$47.77
9	$40.46	$47.17	$56.03	$64.50	$50.22	$58.18	$67.21	$57.41	$54.78	$63.60	$59.51	$55.81	$50.14	$58.91	$52.93	$49.71	$50.05
10	$42.48	$49.19	$58.48	$67.98	$52.42	$61.23	$71.38	$60.46	$57.32	$68.19	$62.05	$58.18	$52.42	$61.45	$55.56	$52.07	$52.33
11	$44.68	$50.96	$60.93	$71.47	$54.52	$64.29	$75.81	$63.43	$59.86	$72.82	$64.50	$60.54	$54.52	$63.98	$58.61	$53.84	$54.35
12	$46.87	$52.72	$63.38	$74.95	$56.63	$67.34	$80.24	$66.39	$62.39	$77.46	$66.95	$62.91	$56.63	$66.52	$61.66	$55.60	$56.37
13	$49.06	$54.48	$65.83	$78.43	$58.74	$70.39	$84.67	$69.36	$64.93	$82.09	$69.40	$65.27	$58.74	$69.06	$64.72	$57.36	$58.39
14	$51.26	$56.24	$68.28	$81.92	$60.85	$73.44	$89.10	$72.33	$67.47	$86.72	$71.85	$67.64	$60.85	$71.60	$67.77	$59.13	$60.42
15	$53.45	$58.01	$70.74	$85.40	$62.95	$76.50	$93.53	$75.29	$70.00	$91.35	$74.30	$70.00	$62.95	$74.13	$70.82	$60.89	$62.44
16	$55.64	$59.77	$73.19	$88.88	$65.06	$79.55	$97.95	$78.26	$72.54	$95.98	$76.76	$72.37	$65.06	$76.67	$73.87	$62.65	$64.46

17	$57.84	$61.53	$75.64	$92.36	$67.17	$82.60	$102.38	$81.23	$75.08	$100.62	$79.21	$74.73	$67.17	$79.21	$76.93	$64.41	$66.48
18	$60.03	$63.30	$78.09	$95.85	$69.27	$85.66	$106.81	$84.19	$77.62	$105.25	$81.66	$77.10	$69.27	$81.74	$79.98	$66.18	$68.50
19	$62.22	$65.06	$80.54	$99.33	$71.38	$88.71	$111.24	$87.16	$80.15	$109.88	$84.11	$79.46	$71.38	$84.28	$83.03	$67.94	$70.52
20	$64.41	$66.82	$82.99	$102.81	$73.49	$91.76	$115.67	$90.13	$82.69	$114.51	$86.56	$81.83	$73.49	$86.82	$86.09	$69.70	$72.54
21	$66.61	$68.59	$85.44	$106.30	$75.59	$94.82	$120.10	$93.10	$85.23	$116.12	$89.01	$84.19	$75.59	$89.35	$89.14	$71.47	$74.56
22	$68.80	$70.35	$87.89	$109.78	$77.70	$97.87	$124.53	$96.06	$87.76	$120.63	$91.46	$86.56	$77.70	$91.89	$92.19	$73.23	$76.58
23	$70.99	$72.11	$90.34	$113.26	$79.81	$100.92	$128.96	$99.03	$90.30	$125.15	$93.91	$88.92	$79.81	$94.43	$95.25	$74.99	$78.60
24	$73.19	$73.87	$92.79	$116.75	$81.92	$103.97	$133.39	$102.00	$92.84	$129.66	$96.36	$91.29	$81.92	$96.97	$98.30	$76.76	$80.62
25	$75.38	$75.64	$95.25	$120.23	$84.02	$107.03	$137.82	$104.96	$95.37	$134.18	$98.81	$93.65	$84.02	$99.50	$101.35	$78.52	$82.65
26	$77.57	$77.40	$97.70	$123.71	$86.13	$110.08	$142.24	$107.93	$97.91	$138.69	$101.27	$96.02	$86.13	$102.04	$104.40	$80.28	$84.67
27	$79.77	$79.16	$100.15	$127.19	$88.24	$113.13	$146.67	$110.90	$100.45	$143.21	$103.72	$98.38	$88.24	$104.58	$107.46	$82.04	$86.69
28	$81.96	$80.93	$102.60	$130.68	$90.34	$116.19	$151.10	$113.86	$102.99	$147.72	$106.17	$100.75	$90.34	$107.11	$110.51	$83.81	$88.71
29	$84.15	$82.69	$105.05	$134.16	$92.45	$119.24	$155.53	$116.83	$105.52	$152.23	$108.62	$103.11	$92.45	$109.65	$113.56	$85.57	$90.73
30	$86.34	$84.45	$107.50	$137.64	$94.56	$122.29	$159.96	$119.80	$108.06	$156.75	$111.07	$105.48	$94.56	$112.19	$116.62	$87.33	$92.75
31	$88.54	$86.22	$109.95	$141.13	$96.66	$125.35	$164.39	$122.77	$110.60	$161.26	$113.52	$107.84	$96.66	$114.72	$119.67	$89.10	$94.77
32	$90.73	$87.98	$112.40	$144.61	$98.77	$128.40	$168.82	$125.73	$113.13	$165.78	$115.97	$110.21	$98.77	$117.26	$122.72	$90.86	$96.79
33	$92.92	$89.74	$114.85	$148.09	$100.88	$131.45	$173.25	$128.70	$115.67	$170.29	$118.42	$112.57	$100.88	$119.80	$125.78	$92.62	$98.81
34	$95.12	$91.50	$117.30	$151.58	$102.99	$134.50	$177.68	$131.67	$118.21	$174.81	$120.87	$114.94	$102.99	$122.34	$128.83	$94.39	$100.84
35	$97.31	$93.27	$119.76	$155.06	$105.09	$137.56	$182.11	$134.63	$120.74	$179.32	$123.32	$117.30	$105.09	$124.87	$131.88	$96.15	$102.86

36	$99.50	$95.03	$122.21	$158.54	$107.20	$140.61	$186.53	$137.60	$123.28	$183.84	$125.78	$119.67	$107.20	$127.41	$134.93	$97.91	$104.88
37	$101.70	$96.79	$124.66	$162.02	$109.31	$143.66	$190.96	$140.57	$125.82	$188.35	$128.23	$122.03	$109.31	$129.95	$137.99	$99.67	$106.90
38	$103.89	$98.56	$127.11	$165.51	$111.41	$146.72	$195.39	$143.53	$128.36	$192.87	$130.68	$124.40	$111.41	$132.48	$141.04	$101.44	$108.92
39	$106.08	$100.32	$129.56	$168.99	$113.52	$149.77	$199.82	$146.50	$130.89	$197.38	$133.13	$126.76	$113.52	$135.02	$144.09	$103.20	$110.94
40	$108.27	$102.08	$132.01	$172.47	$115.63	$152.82	$204.25	$149.47	$133.43	$201.90	$135.58	$129.13	$115.63	$137.56	$147.15	$104.96	$112.96
41	$110.47	$103.85	$134.46	$175.96	$117.73	$155.88	$208.68	$152.44	$135.97	$206.41	$138.00	$131.49	$117.73	$140.09	$150.20	$106.73	$114.98
42	$112.66	$105.61	$136.91	$179.44	$119.84	$158.93	$213.11	$155.40	$138.50	$210.92	$140.69	$133.86	$119.84	$142.63	$153.25	$108.49	$117.00
43	$114.85	$107.37	$139.36	$182.92	$121.95	$161.98	$217.54	$158.37	$141.04	$215.44	$143.39	$136.22	$121.95	$145.17	$156.31	$110.25	$119.02
44	$117.05	$109.13	$141.81	$186.41	$124.06	$165.03	$221.97	$161.34	$143.58	$219.95	$146.08	$138.59	$124.06	$147.71	$159.36	$112.02	$121.05
45	$119.24	-	$144.27	$189.89	$126.16	$168.09	$226.40	$164.30	$146.21	$224.47	$148.77	$140.95	$126.16	$150.24	$162.41	$113.78	-
46	$121.43	-	$146.72	$193.37	$128.27	$171.14	$230.82	$167.27	$148.96	$228.98	$151.46	$143.32	$128.27	$152.78	$165.46	$115.54	-
47	$123.63	-	$149.17	$196.85	$130.38	$174.19	$235.25	$170.24	$151.71	$233.50	$154.16	$145.68	$130.38	$155.32	$168.52	$117.30	-
48	$125.82	-	$151.62	$200.34	$132.48	$177.25	$239.68	$173.20	$154.45	$238.01	$156.85	$148.05	$132.48	$157.85	$171.57	$119.07	-
49	$128.01	-	$154.07	$203.82	$134.59	$180.30	$244.11	$176.17	$157.20	$242.53	$159.54	$150.41	$134.59	$160.39	$174.62	$120.83	-
50	$130.20	-	$156.52	$207.30	$136.70	$183.35	$248.54	$179.14	$159.95	$247.04	$162.23	$152.78	$136.70	$162.93	$177.68	$122.59	-
51	$132.40	-	$158.97	$210.79	$138.80	$186.41	$252.97	$182.11	$162.70	$251.56	$164.93	$155.14	$138.80	$165.46	$180.73	$124.36	-
52	$134.59	-	$161.42	$214.27	$140.91	$189.46	$257.40	$185.07	$165.45	$256.07	$167.62	$157.51	$140.91	$168.00	$183.78	$126.12	-
53	$136.78	-	$163.87	$217.75	$143.02	$192.51	$261.83	$188.04	$168.19	$260.59	$170.31	$159.87	$143.02	$170.54	$186.84	$127.88	-
54	$138.98	-	$166.32	$221.24	$145.13	$195.56	$266.26	$191.01	$170.94	$265.10	$173.00	$162.24	$145.13	$173.08	$189.89	$129.65	-

55	$141.17	-	$168.78	$224.72	$147.23	$198.62	$270.69	$193.97	$173.69	$269.62	$175.70	$164.60	$147.23	$175.61	$192.94	$131.41	-
56	$143.36	-	$171.23	$228.20	$149.34	$201.67	$275.11	$196.94	$176.44	$274.13	$178.39	$166.97	$149.34	$178.15	$195.99	$133.17	-
57	$145.56	-	$173.68	$231.68	$151.45	$204.72	$279.54	$199.91	$179.18	$278.64	$181.08	$169.33	$151.45	$180.69	$199.05	$134.93	-
58	$147.75	-	$176.13	$235.17	$153.55	$207.78	$283.97	$202.87	$181.93	$283.16	$183.77	$171.70	$153.55	$183.22	$202.10	$136.70	-
59	$149.94	-	$178.58	$238.65	$155.66	$210.83	$288.40	$205.84	$184.68	$287.67	$186.47	$174.06	$155.66	$185.76	$205.15	$138.46	-
60	$152.13	-	$181.03	$242.13	$157.77	$213.88	$292.83	$208.81	$187.43	$292.19	$189.16	$176.43	$157.77	$188.30	$208.21	$140.22	-
61	$154.33	-	$183.48	$245.62	$159.87	$216.94	$297.26	$211.78	$190.17	$296.70	$191.85	$178.79	$159.87	$190.83	$211.26	$141.99	-
62	$156.52	-	$185.93	$249.10	$161.98	$219.99	$301.69	$214.74	$192.92	$301.22	$194.54	$181.16	$161.98	$193.37	$214.31	$143.75	-
63	$158.71	-	$188.38	$252.58	$164.09	$223.04	$306.12	$217.71	$195.67	$305.73	$197.24	$183.52	$164.09	$195.91	$217.37	$145.51	-
64	$160.91	-	$190.83	$256.07	$166.20	$226.09	$310.55	$220.68	$198.42	$310.25	$199.93	$185.89	$166.20	$198.45	$220.42	$147.28	-
65	$163.10	-	$193.29	$259.55	$168.30	$229.15	$314.98	$223.64	$201.16	$314.76	$202.62	$188.25	$168.30	$200.98	$223.47	$149.04	-
66	$165.29	-	$195.74	$263.03	$170.41	$232.20	$319.40	$226.61	$203.91	$319.28	$205.31	$190.62	$170.41	$203.52	$226.52	$150.80	-
67	-	-	$198.19	$266.51	$172.52	$235.25	$323.83	$229.58	$206.66	-	-	-	-	-	-	$152.56	-
68	-	-	$200.64	$270.00	$174.62	$238.31	$328.26	$232.54	$209.41	-	-	-	-	-	-	$154.33	-
69	-	-	$203.09	$273.58	$176.73	$241.36	$332.69	$235.51	$212.15	-	-	-	-	-	-	$156.09	-
70	-	-	$205.54	$277.17	$178.84	$244.41	$337.12	$238.48	$214.90	-	-	-	-	-	-	$157.85	-

Priority Mail International Promotional Sale

The Postal Service may offer a promotion in the form of a discount or rebate on certain Priority Mail International items, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program.

Pickup On Demand Service

Add price specified for ~~Parcel~~ Standard Post Pickup On Demand service (section 2135.6~~1405.6~~) for each Pickup On Demand stop.

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2320 International Priority Airmail (IPA)

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2320.6 Prices

International Priority Airmail

The price is determined by adding the applicable per-piece price to the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the sack minus the tare weight of the sack) of the mail for the specific Country Price Group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Direct Country Sacks	0.52	0.16	0.52	0.53	0.52	0.52	0.54	0.51

	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Direct Country Sacks	0.42	0.50	0.48	0.20	0.20	0.18	0.14
Mixed Country Sacks	—	—	0.52	0.20	0.20	0.19	0.16

ii. Per Pound

	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Direct Country Sacks (Full Service)	6.14	7.37	7.58	7.92	7.72	7.66	7.91	7.52
Direct Country Sacks (ISC Drop Shipment)	4.17	4.62	5.63	5.96	5.78	5.71	5.91	5.58

	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Direct Country Sacks (Full Service)	8.45	8.32	8.03	8.34	9.31	8.23	9.14
Direct Country Sacks (ISC Drop Shipment)	6.34	6.24	5.80	6.22	6.15	6.27	7.20
Mixed Country Sacks (ISC Drop Shipment)	.....	.....	6.24	6.27	6.09	6.53	7.56

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Sacks	0.57

ii. Per Pound

	($)
Worldwide Nonpresorted Sacks (Full Service)	10.67
Worldwide Nonpresorted Sacks (ISC Drop Shipment)	8.40

International Priority Airmail M-Bag

The price is based on the applicable per-pound price. The per-pound price applies to the net weight (gross weight of the sack minus the tare weight of the sack) of the mail for the specific Country Price Group.

a. International Priority Airmail M-Bag (Full Service)

Each M-bag subject to a minimum 11 pound price	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Weight not over 11 pounds	52.14	58.96	69.08	69.08	69.08	69.08	69.08	69.08
For each additional pound or fraction thereof	4.74	5.36	6.28	6.28	6.28	6.28	6.28	6.28

Each M-bag subject to a minimum 11 pound price	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Weight not over 11 pounds	91.74	86.68	69.08	78.21	75.90	84.37	83.27
For each additional pound or fraction thereof	8.34	7.88	6.28	7.11	6.90	7.67	7.57

b. International Priority Airmail M-Bag (ISC Drop Shipment)

Each M-bag subject to a minimum 5 pound price	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Weight not over (pounds)								
5	19.84	25.76	31.77	31.77	31.77	31.77	31.77	31.77
6	20.31	26.38	32.80	32.80	32.80	32.80	32.80	32.80
7	20.78	27.00	33.83	33.83	33.83	33.83	33.83	33.83
8	21.25	27.62	34.86	34.86	34.86	34.86	34.86	34.86
9	21.72	28.24	35.89	35.89	35.89	35.89	35.89	35.89
10	22.19	28.86	36.92	36.92	36.92	36.92	36.92	36.92
11	22.66	29.48	37.95	37.95	37.95	37.95	37.95	37.95
For each additional pound or fraction thereof	2.06	2.68	3.45	3.45	3.45	3.45	3.45	3.45

Each M-bag subject to a minimum price for 5 pounds	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Weight not over (pounds)							
5	49.15	45.79	31.77	39.83	39.79	46.10	43.80
6	51.06	47.60	32.80	41.02	40.62	47.29	45.19
7	52.97	49.41	33.83	42.21	41.45	48.48	46.58
8	54.88	51.22	34.86	43.40	42.28	49.67	47.97
9	56.79	53.03	35.89	44.59	43.11	50.86	49.36
10	58.70	54.84	36.92	45.78	43.94	52.05	50.75
11	60.61	56.65	37.95	46.97	44.77	53.24	52.14
For each additional pound or fraction thereof	5.51	5.15	3.45	4.27	4.07	4.84	4.74

2325 International Surface Air Lift (ISAL)

* * * * *

2325.6 Prices

a. International Surface Air Lift (Full Service and ISC Drop Shipment)

The price is determined by adding the applicable per-piece price to the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the sack minus the tare weight of the sack) of the mail for the specific price group.

i. Per Piece

	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Direct Country Sacks	0.47	0.15	0.46	0.48	0.48	0.48	0.49	0.45

	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Direct Country Sacks	0.37	0.45	0.43	0.18	0.18	0.16	0.13
Mixed Country Sacks	.....	.....	0.47	0.18	0.18	0.17	0.14

ii. Per Pound

	Price group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Direct Country Sacks (Full Service)	5.57	6.91	6.67	7.18	7.05	7.00	7.18	6.62
Direct Country Sacks (ISC Drop Shipment)	3.78	4.33	4.96	5.41	5.27	5.22	5.36	4.91

	Price group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Direct Country Sacks (Full Service)	7.48	7.55	7.06	7.57	8.46	7.28	8.30
Direct Country Sacks (ISC Drop Shipment)	5.60	5.66	5.11	5.65	5.59	5.55	6.54
Mixed Country Sacks (ISC Drop Shipment)	.....	.....	5.66	5.68	5.53	5.75	6.65

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Sacks	0.52

ii. Per Pound

	($)
Worldwide Nonpresorted Sacks (Full Service)	9.62
Worldwide Nonpresorted Sacks (ISC Drop Shipment)	7.58

International Surface Air Lift M-Bags

The price is based on the applicable per-pound price. The per-pound price applies to the net weight (gross weight of the sack minus the tare weight of the sack) of the mail for the specific price group.

a. International Surface Air Lift M-Bags (Full Service)

Each M-bag subject to a minimum 11 pound price	Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Weight Not Over 11 Pounds	18.15	19.25	22.66	22.66	22.66	22.66	22.66	22.66
For each additional pound or fraction thereof	1.65	1.75	2.06	2.06	2.06	2.06	2.06	2.06

Each M-Bag Subject to a Minimum 11 Pound Price ~~Maximum Weight (pounds)~~	Price Group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Weight Not Over 11 Pounds	33.99	31.68	22.99	26.62	26.62	29.48	36.85
For each additional pound or fraction thereof	3.09	2.88	2.09	2.42	2.42	2.68	3.35

b. International Surface Air Lift M-Bag ISC (ISC Drop Shipment)

Each M-bag subject to a minimum 5 pound price	Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
Weight not over (pounds) 5.	16.39	14.73	11.76	11.76	11.76	11.76	11.76	11.76
6	16.50	15.30	13.10	13.10	13.10	13.10	13.10	13.10
7	16.61	15.87	14.44	14.44	14.44	14.44	14.44	14.44
8	16.72	16.44	15.78	15.78	15.78	15.78	15.78	15.78
9	16.83	17.01	17.12	17.12	17.12	17.12	17.12	17.12
10	16.94	17.58	18.46	18.46	18.46	18.46	18.46	18.46
11	17.05	18.15	19.80	19.80	19.80	19.80	19.80	19.80
For each additional pound or fraction thereof	1.55	1.65	1.80	1.80	1.80	1.80	1.80	1.80

Each M-Bag Subject to a Minimum 5 Pound Price ~~Maximum Weight (pounds)~~	Price Group						
	9 ($)	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)
Weight not over (pounds) 5	18.77	16.71	11.96	13.26	14.76	12.40	16.65
6	20.83	18.93	13.34	15.01	16.26	14.77	19.54
7	22.89	21.15	14.72	16.76	17.76	17.14	22.43
8	24.95	23.37	16.10	18.51	19.26	19.51	25.32
9	27.01	25.59	17.48	20.26	20.76	21.88	28.21
10	29.07	27.81	18.86	22.01	22.26	24.25	31.10
11	31.13	30.03	20.24	23.76	23.76	26.62	33.99
For each additional pound or fraction thereof	2.83	2.73	1.84	2.16	2.16	2.42	3.09

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2330 International Direct Sacks—M-Bags

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2330.6 Prices

Outbound International Direct Sacks—M-Bags

The price is based on the applicable per-pound price. The per-pound price applies to the net weight (gross weight of the sack minus the tare weight of the sack) of the mail for the specific price group.

Each M-bag subject to a minimum 11 pound price	Price Group [1]								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
Weight Not Over 11 Pounds	36.85	34.10	66.00	53.90	43.45	63.25	54.45	52.25	51.15
For each additional pound or fraction thereof	3.35	3.10	6.00	4.90	3.95	5.75	4.95	4.75	4.65

Notes:

[1] Same as Price Groups 1–9 for Single-Piece First-Class Mail International (SPFCMI).

Inbound International Direct Sacks—M-Bags

Payment is made in accordance with Part III of the Universal Postal Convention and associated UPU Letter Post Regulations. This information is available in the Letter Post Manual at *www.upu.int*.

2600 Special Services

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2605 Address Enhancement Services

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2605.2 Prices

	($)
AEC	
Per record processed	*0.020*
Minimum charge per list	*20.00*
AMS API Address Matching System Application Program Interface (per year, per platform) [1]	
Developer's Kit, one platform	*4,500.00*
Each Additional, per platform	*1,625.00*
Resell License, one platform	*19,650.00*
Each Additional, per platform	*9,900.00*
Additional Database License.	
Number of Additional Licenses..	
1–100	*2,400.00*
101–200	*4,800.00*
201–300	*7,200.00*
301–400	*9,650.00*
401–500	*12,050.00*
501–600	*14,500.00*
601–700	*16,900.00*
701–800	*19,320.00*
801–900	*21,750.00*
901–1,000	*24,150.00*
1,001–10,000	*31,400.00*
10,001–20,000	*38,650.00*
20,001–30,000	*45,850.00*
30,001–40,000	*53,150.00*
RDI API Developer's Kit [1]	
Each, per platform	*355.00*
Resell License, one platform	*1,400.00*
Each Additional, per platform	*735.00*
Additional Database.	
AMS API: DPV, LACSLink and/or eLOT	*11.75*
IBIP version of above	*11.75*
Additional database, e.g., City-State, ZIP+4, Five-Digit	*11.75*
Additional Copies of Database.	
AMS–API: DPV and LACSLink API	*27.00*
eLOT	*9.00*
Additional database, e.g., City-State, ZIP+4, Five Digit	*9.00*
TIGER/ZIP+4 (per year)	
Per State	**65.00*
All States	**850.00*

Notes:

* See AMS Price Table for Single Issues or Additional Copies appearing at end of section 1515.2 above. TIGER/ZIP+4 is not a subscription service, so single issue pricing does not apply.

[1] Above API License Fees prorated during the first year based on the date of the license agreement.

2615 International Ancillary Services

2615.1 International Certificate of Mailing

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2615.1.2 Prices

INDIVIDUAL PIECES PRICES

	($)
Original certificate of mailing for listed pieces of ordinary First-Class Package International Service Items or Priority Mail International parcels	1.20
Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece)	0.44
Each additional copy of original certificate of mailing or firm mailing bills (each copy)	1.20

MULTIPLE PIECES PRICES

	($)
Up to 1,000 identical-weight pieces (one certificate for total number)	7.05
Each additional 1,000 identical-weight pieces or fraction thereof	0.85
Duplicate copy	1.20

2615.2 Outbound Competitive International Registered Mail

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2615.2.2 Prices

	($)
Per Piece	*12.95*

2615.3 International Return Receipt

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2615.3.2 Prices

OUTBOUND INTERNATIONAL RETURN RECEIPT

	($)
Per Piece	*3.50*

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2615.5 International Insurance

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2615.5.3 Prices

Outbound International Insurance

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b. Express Mail International Merchandise Insurance

($)	($)
Amount of coverage:	
0.01 to 100.00	0.00
100.01 to 200.00	0.00
200.01 to 500.00	2.35
500.01 to 1,000.00	3.85
1,000.01 to 1,500.00	5.35
1,500.01 to 2,000.00	6.85
2,000.01 to 2,500.00	8.35
2,500.01 to 3,000.00	9.85
3,000.01 to 3,500.00	11.35
3,500.01 to 4,000.00	12.85
4,000.01 to 4,500.00	14.35
4,500.01 to 5,000.00	15.85

2620 International Money Transfer Service—Outbound

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2620.3 Prices

INTERNATIONAL MONEY ORDER

	($)
Per International Money Order	4.50
Inquiry Fee	5.75

VENDOR ASSISTED ELECTRONIC MONEY TRANSFER

	Transfer Amount		Per Transfer ($)
	Minimum Amount ($)	Maximum Amount ($)	
Electronic Money Transfer	0.00	750.00	11.00
	750.01	1,500.00	16.50
	1,500.01	2,000.00	22.00
Refund	0.00	2,000.00	26.00
Change of Recipient	0.00	2,000.00	12.00

2630 Premium Forwarding Service

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2630.2 Prices

	($)
Enrollment	15.00
Weekly Reshipment	*17.00*

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2635 Shipping and Mailing Supplies

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2635.2 Prices[1]

	($)
Mailers	0.39 to 25.00.
Cartons	0.99 to 25.00.
Supplies	0.49 to 14.65.
Shipping Fees	*0.00 to 25.00.*

Notes

[1] Minimum price applies to average price paid per item when multiple items are purchased together.

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2645 Competitive Ancillary Services

2645.1 Adult Signature

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2645.1.2 Prices

	($)
Adult Signature Required	*4.95*
Adult Signature Restricted Delivery	*5.15*

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FEDERAL REGISTER

Vol. 77 Monday,

No. 204 October 22, 2012

Part III

Department of the Treasury

Foreign Assets Control Office

31 CFR Part 560

Iranian Transactions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 560

Iranian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is changing the heading of the Iranian Transactions Regulations to the Iranian Transactions and Sanctions Regulations (the ''ITSR''), amending the renamed ITSR, and reissuing them in their entirety, to implement Executive Order 13599 of February 5, 2012 (''Blocking Property of the Government of Iran and Iranian Financial Institutions''), and subsections 1245(c) and (d)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (the ''NDAA''). OFAC also is adding several new general licenses to the ITSR, removing a few general licenses, and incorporating into the ITSR a general license and a statement of licensing policy that, until now, have appeared only on OFAC's Web site on the Iran sanctions page. Finally, OFAC is updating certain provisions of the ITSR and making other technical and conforming changes. The ITSR are separate and apart from the Iranian Financial Sanctions Regulations, 31 CFR part 561, as amended and reissued in their entirety on February 27, 2012, which were promulgated to implement the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, as well as the provisions of section 1245 of the NDAA other than those set forth above.

DATES: *Effective Date:* October 22, 2012.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–4855, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

The Iranian Transactions Regulations, 31 CFR part 560 (the ''ITR''), implement a series of Executive orders that began with Executive Order 12613, which was issued on October 29, 1987, pursuant to authorities including the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa–9). In that Order, the President prohibited the importation of Iranian-origin goods and services. Subsequently, in Executive Order 12957, issued on March 15, 1995 (''E.O. 12957''), under the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA'') and the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (''NEA''), the President declared a national emergency with respect to the actions and policies of the Government of Iran, including its support for international terrorism, its efforts to undermine the Middle East peace process, and its efforts to acquire weapons of mass destruction and the means to deliver them. To deal with that threat, E.O. 12957 imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. On May 6, 1995, to further respond to this threat, the President issued Executive Order 12959, which imposed comprehensive trade and financial sanctions on Iran, but did not include blocking sanctions. Finally, on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

On December 31, 2011, the President signed into law the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112–81) (the ''NDAA''). Section 1245 of the NDAA, among other things, provides for the imposition of sanctions on the Central Bank of Iran and other Iranian financial institutions. Specifically, section 1245(c) provides that the President shall, pursuant to IEEPA, block and prohibit all transactions in all property and interests in property of an Iranian financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person. In addition, section 1245(d)(1)(B) of the NDAA authorizes the President to impose sanctions pursuant to IEEPA with respect to the Central Bank of Iran. Finally, section 1245(g) of the NDAA provides that the President may exercise all authorities under sections 203 and 205 of IEEPA and may impose the penalties provided in section 206(b) and (c) of IEEPA to implement and enforce section 1245 of the NDAA.

On February 5, 2012, the President, invoking the authority of, *inter alia,* IEEPA and section 1245 of the NDAA, issued Executive Order 13599 (''Blocking Property of the Government of Iran and Iranian Financial Institutions'') (''E.O. 13599''). The President issued E.O. 13599 in order to take additional steps with respect to the national emergency declared in E.O. 12957 with respect to Iran, particularly in light of the deceptive practices of the Central Bank of Iran and other Iranian banks to conceal transactions of sanctioned parties, the deficiencies in Iran's anti-money laundering regime and the weaknesses in its implementation, and the continuing and unacceptable risk posed to the international financial system by Iran's activities.

Section 1 of E.O. 13599 generally blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any U. S. person, including any foreign branch, of (1) the Government of Iran, including the Central Bank of Iran, (2) any Iranian financial institution, including the Central Bank of Iran, and (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13599. The property and interests in property of the Government of Iran, any Iranian financial institution, and any other person described above may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

In section 2 of E.O. 13599, the President determined that the making of donations of certain articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, as specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of the order would seriously impair his ability to deal with the national emergency declared in E.O. 12957. The President therefore prohibited the donation of such items as provided by section 1 of E.O. 13599.

Section 3 of E.O. 13599 provides that the prohibitions in section 1 of the order include, but are not limited to, the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose

property and interests in property are blocked pursuant to the order, and the receipt of any contribution or provision of funds, goods, or services from any such person.

Section 4(b) of E.O. 13599 provides that the prohibitions in section 1 of the order do not apply to property and interests in property of the Government of Iran that were blocked pursuant to Executive Order 12170 of November 14, 1979 (the Executive order issued in response to the takeover of the U.S. Embassy in Tehran and the taking hostage of U.S. diplomats and other persons on November 4, 1979), and thereafter made subject to the transfer directives set forth in Executive Order 12281 of January 19, 1981 (one of the Executive orders that implemented the Algiers Accords of the same date), and implementing regulations thereunder (i.e., the Iranian Assets Control Regulations, 31 CFR part 535).

Section 5 of E.O. 13599 prohibits any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in the order, as well as any conspiracy formed to violate such prohibitions.

Section 6 of E.O. 13599 provides that nothing in section 1 shall prohibit transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

Section 9 of E.O. 13599 authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of E.O. 13599, other than the purposes described in section 11 (which are delegated to the Secretary of State). The Secretary of the Treasury may redelegate any of these functions and authorities to other officers and agencies of the United States Government consistent with applicable law.

Acting under authority delegated by the Secretary of the Treasury pursuant to section 9 of E.O. 13599, OFAC is changing the heading of the Iranian Transactions Regulations, 31 CFR part 560 (the ''ITR''), to the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (the ''ITSR''), and amending the renamed ITSR to implement E.O. 13599 (other than section 11) and sections 1245(c) and (d)(1)(B) of the NDAA. To implement the blocking prohibitions of E.O. 13599 and the NDAA, OFAC is adding numerous new sections to the ITSR, including prohibitions, definitions, interpretations, and licensing provisions. OFAC also is revising many existing sections of the ITSR in order to take account of the new government-wide blocking as well as the blocking of all Iranian financial institutions. Due to the extensive nature of these amendments, OFAC is reissuing the ITSR in their entirety.

In addition to the changes needed to implement a blocking program, OFAC is adding to the ITSR several new general licenses, incorporating into the ITSR a general license and a statement of licensing policy that, until now, have appeared only on OFAC's Web site on the Iran sanctions page, and removing several general licenses and statements of licensing policy that previously were part of the Iranian Transactions Regulations. Finally, OFAC is updating certain provisions of the ITSR and making other technical and conforming changes.

Accordingly, new section 560.211 is being added to subpart B of the ITSR to implement the blocking prohibitions in section 1 of E.O. 13599. New sections 560.212 through 560.214 are being added to subpart B to set forth certain consequences and requirements that stem from the blocking prohibitions, including, *inter alia,* the requirement to hold blocked funds in interest-bearing accounts. New paragraphs (e) and (f) are being added to section 560.210 to incorporate two exemptions from the blocking prohibitions that are set forth, respectively, in sections 6 and 4(b) of E.O. 13599. What had been paragraph (e) of section 560.210 of the ITR has been removed as out-of-date.

In subpart C, which defines key terms used throughout the ITSR, new sections 560.322 through 560.327 are being added to define key terms used in the new blocking prohibitions or elsewhere in the regulations. Also, certain existing definitions in subpart C are being revised to take account of new provisions, to provide greater clarity with respect to the terms being used, and to update certain definitions.

For the same reasons, in subpart D, which contains interpretive sections regarding the ITSR, new sections 560.421 through 560.428 are being added and changes are being made to certain existing sections. Among these changes, an important change is being made to section 560.405, which provides that transactions ordinarily incident to a licensed transaction and necessary to give effect to it are also authorized, with certain exceptions. A new exception for payments or transfers of funds is being added in paragraph (b) of section 560.405. Thus, payments or transfers of funds no longer are considered ordinarily incident to a licensed transaction and instead must be authorized by a general or specific license. A new note to paragraph (b) of section 560.405 refers to section 560.516 for a general license authorizing United States depository institutions or United States registered brokers or dealers in securities to process transfers of funds if the transfer arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction authorized by a specific or general license issued pursuant to, or set forth in, this part. (A final change to section 560.405 that deals with sales of agricultural commodities, medicine, and medical devices is discussed below.)

Subpart E of the ITSR contains (1) general licenses that authorize transactions otherwise prohibited under the ITSR but found to be consistent with U.S. policy, and (2) statements of licensing policy that describe transactions that may be authorized by specific license issued pursuant to the procedures described in subpart E of 31 CFR part 501. Subpart E of the ITSR is being extensively revised, and certain sections also are being renumbered. New general licenses are being added in sections 560.519, 560.543, 560.544, 560.546 through 560.548, and 560.551 through 560.554. New sections 560.545 and 560.550 incorporate into the ITSR, respectively, a statement of licensing policy and a general license that, until now, have been posted only on OFAC's Web site; new section 560.550 also reflects significant changes to the general license. Section 560.549 contains a statement of licensing policy for Iranian news organizations' offices in the United States that previously was found in section 560.519, which is now a general license authorizing specified journalistic activities and the establishment of news bureaus in Iran, subject to certain limitations.

Moreover, revisions are being made to several pre-existing authorizations, including those in sections 560.505, 560.508, 560.516, 560.517 and 560.530. Furthermore, certain general licenses and statements of licensing policy that previously appeared in the ITR are being removed and hence not added to the ITSR, either because they are out-of-date (e.g., ITR sections 560.513, 560.515, 560.520, 560.536, 560.537) or because they are no longer consistent with U.S. policy (e.g., ITR sections 560.511 and 560.526).

In addition, OFAC is revising the sections of the ITSR dealing with authorized sales of agricultural commodities, medicine, and medical devices to Iran pursuant to the Trade Sanctions Reform and Export

Enhancement Act of 2000, as amended (22 U.S.C. 7201 *et seq.*) (''TSRA''). First, OFAC is amending section 560.530 to add a general license, in new paragraph (a)(3), authorizing the exportation or reexportation of medicine and basic medical supplies to Iran. The term *medicine* already is defined in paragraph (e)(2) of section 560.530. The term *basic medical supplies* is newly defined in paragraph (a)(3)(ii) to mean those medical devices, as defined in paragraph (e)(3) of section 560.530, that are included on the List of Basic Medical Supplies on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page, but not including replacement parts. The List of Basic Medical Supplies generally will contain medical devices (excluding replacement parts) for which OFAC previously did not require an Official Commodity Classification of EAR99 issued by the Department of Commerce's Bureau of Industry and Security to be submitted with a specific license application and which are now generally licensed. Certain classes of medicine are excluded from the scope of this general license by new paragraph (a)(3)(iii) of section 560.530. Exports of medicine and basic medical supplies to military or law enforcement purchasers or importers are excluded from the scope of this general license by new paragraph (a)(3)(iv) of section 560.530.

Second, OFAC is amending sections 560.530 and 560.532, as well as interpretive section 560.405 in subpart D of the ITSR, to clarify the rules for financing of TSRA sales. New paragraph (a)(3)(i) of section 560.530 provides that payment terms and financing for sales pursuant to the new general license for medicine and basic medical supplies must be limited to, and consistent with, those authorized by section 560.532. Paragraph (a)(2)(i) of section 560.530 is being amended to add the same requirement to the existing general license for exports of food.

OFAC is revising section 560.532 to provide that the general license for payment terms in that section applies to all sales pursuant to section 560.530(a), whether authorized by general or specific license. OFAC also is revising paragraph (e) of section 560.405 to clarify that financing of all TSRA sales authorized pursuant to section 560.530(a) is excepted from the authorization in section 560.405 for transactions ordinarily incident to a licensed transaction. Sections 560.530 and 560.532, which authorize the conduct of related transactions, including payment terms and financing, for the TSRA sales described above, govern instead.

Third, a new authorized payment term for all TSRA sales is being added in section 560.532. New paragraph (a)(4) of section 560.532 specifies that the new payment term is a letter of credit issued by an Iranian financial institution whose property and interests in property are blocked solely pursuant to 31 CFR part 560. Such a letter of credit must be initially advised, confirmed or otherwise dealt in by a third-country financial institution that is not a United States person, an Iranian financial institution, or the Government of Iran before it is advised, confirmed or dealt in by a U.S. financial institution.

Fourth, OFAC is amending the rules for TSRA sales by revising section 560.530(f), to clarify that the term *medicine* does not include cosmetics, and making other technical and conforming changes to sections 560.530, 560.532, and 560.533.

Finally, OFAC is removing both Appendix A to Part 560, which listed persons determined to be the Government of Iran (as defined in section 560.304) and Appendix C to Part 560. The persons that were listed in Appendix A to Part 560 are listed on OFAC's List of Specially Designated Nationals and Blocked Persons, and their property and interests in property are blocked pursuant to E.O. 13599 and section 560.211 of the ITSR; maintaining a separate Appendix A to Part 560, therefore, no longer serves any useful purpose. Appendix C to Part 560 set forth eligible procurement bodies of the Government of Iran for purposes of a statement of licensing policy that was removed from the ITSR when TSRA was first implemented. It too no longer serves any purpose.

This final rule, in addition to renaming, amending, and reissuing the ITR as the ITSR, also makes a conforming amendment to Appendix A to 31 CFR chapter V.

Public Participation

Because the ITSR involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the ITSR are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. 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 control number.

List of Subjects in 31 CFR Part 560

Administrative practice and procedure, Banks, Banking, Brokers, Foreign Trade, Investments, Loans, Securities, Iran.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR chapter V as follows:

■ 1. Revise 31 CFR part 560 to read as follows:

PART 560—IRANIAN TRANSACTIONS AND SANCTIONS REGULATIONS

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Sec.

560.101 Relation of this part to other laws and regulations.

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560.204 Prohibited exportation, reexportation, sale or supply of goods, technology, or services to Iran.
560.205 Prohibited reexportation of goods, technology or services to Iran or the Government of Iran by persons other than United States persons; exceptions.
560.206 Prohibited trade-related transactions with Iran; goods, technology, or services.
560.207 Prohibited investment.
560.208 Prohibited facilitation by United States persons of transactions by foreign persons.
560.209 Prohibited transactions with respect to the development of Iranian petroleum resources.
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560.211 Prohibited transactions involving blocked property.
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560.405 Transactions ordinarily incident to a licensed transaction authorized.
560.406 Transshipment or transit through the United States.
560.407 Transactions related to Iranian-origin goods.
560.408 Importation into and release from a bonded warehouse or foreign trade zone.
560.409 [Reserved]
560.410 Provision of services.
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560.414 Reexportation of certain U.S.-origin goods exported prior to May 7, 1995.
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560.418 Release of technology or software in the United States or a third country.
560.419 U.S. employment of persons ordinarily resident in Iran.
560.420 Reexportation by non-U.S. persons of certain foreign-made products containing U.S.-origin goods or technology.
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560.423 Offshore transactions involving blocked property.
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Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

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560.512 Iranian Government missions in the United States.
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560.516 Transfers of funds involving Iran.
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560.538 Authorized transactions necessary and ordinarily incident to publishing.
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Subpart F—Reports

560.601 Records and reports.
560.602–560.603 [Reserved]

Subpart G—Penalties

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560.702 Detention of shipments.
560.703 Pre-Penalty Notice; settlement.
560.704 Penalty imposition.
560.705 Administrative collection; referral to United States Department of Justice.

Subpart H—Procedures

560.801 Procedures.
560.802 Delegation by the Secretary of the Treasury.
560.803 [Reserved]

Subpart I—Paperwork Reduction Act

560.901 Paperwork Reduction Act notice.
Appendix A to Part 560 [Reserved]
Appendix B to Part 560—Bulk Agricultural Commodities
Appendix C to Part 560 [Reserved]

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 22 U.S.C. 2349aa–9; 22 U.S.C. 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 110–96, 121 Stat. 1011 (50 U.S.C. 1705 note); Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298; E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217; E.O. 13599, 77 FR

6659, February 8, 2012; E.O. 13628, 77 FR 62139, October 12, 2012.

Subpart A—Relation of This Part to Other Laws and Regulations

§ 560.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, including part 535 of this chapter, ''Iranian Assets Control Regulations,'' part 561 of this chapter, ''Iranian Financial Sanctions Regulations,'' and part 562 of this chapter, ''Iranian Human Rights Abuses Sanctions Regulations,'' with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 560.201 Prohibited importation of goods or services from Iran.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information and informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)), is prohibited.

§ 560.202 [Reserved]

§ 560.203 Evasions; attempts; causing violations; conspiracies.

(a) Any transaction on or after the effective date that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this part is prohibited.

§ 560.204 Prohibited exportation, reexportation, sale, or supply of goods, technology, or services to Iran.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, technology, or services to Iran or the Government of Iran is prohibited, including the exportation, reexportation, sale, or supply of any goods, technology, or services to a person in a third country undertaken with knowledge or reason to know that:

(a) Such goods, technology, or services are intended specifically for supply, transshipment, or reexportation, directly or indirectly, to Iran or the Government of Iran; or

(b) Such goods, technology, or services are intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology, or services to be directly or indirectly supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran.

§ 560.205 Prohibited reexportation of goods, technology, or services to Iran or the Government of Iran by persons other than United States persons; exceptions.

(a) Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, the reexportation from a third country, directly or indirectly, by a person other than a United States person, of any goods, technology, or services that have been exported from the United States is prohibited, if:

(1) Undertaken with knowledge or reason to know that the reexportation is intended specifically for Iran or the Government of Iran; and

(2) The exportation of such goods, technology, or services from the United States to Iran was subject to export license application requirements under any United States regulations in effect on May 6, 1995, or thereafter is made subject to such requirements imposed independently of this part (see § 560.414).

(b) The prohibitions of paragraph (a) of this section shall not apply to those goods or that technology subject to export license application requirements if such goods or technology have been:

(1) Substantially transformed into a foreign-made product outside the United States; or

(2) Incorporated into a foreign-made product outside the United States if the aggregate value of such goods and technology described in paragraph (a)(2) of this section constitutes less than 10 percent of the total value of the foreign-made product to be exported from a third country (see § 560.420).

Note to § 560.205(b): The reexportation of U.S.-origin goods or technology, including U.S.-origin goods or technology that have been incorporated or substantially transformed into a foreign-made product, not prohibited by this section, may require authorization by the U.S. Department of Commerce under the Export Administration Regulations (15 CFR parts 730–774) or by the U.S. State Department under the International Traffic in Arms Regulations (22 CFR 123.9).

(c) Reexportation by United States persons or from the United States is governed by other sections in this part, including §§ 560.204 and 560.206.

§ 560.206 Prohibited trade-related transactions with Iran; goods, technology, or services.

(a) Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, no United States person, wherever located, may engage in any transaction or dealing in or related to:

(1) Goods or services of Iranian origin or owned or controlled by the Government of Iran; or

(2) Goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran.

(b) For purposes of paragraph (a) of this section, the term transaction or dealing includes but is not limited to purchasing, selling, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing.

§ 560.207 Prohibited investment.

Except as otherwise authorized pursuant to this part, and notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, any new investment by a United States person in Iran or in property (including entities) owned or controlled by the Government of Iran is prohibited.

§ 560.208 Prohibited facilitation by United States persons of transactions by foreign persons.

Except as otherwise authorized pursuant to this part, and

notwithstanding any contract entered into or any license or permit granted prior to May 7, 1995, no United States person, wherever located, may approve, finance, facilitate, or guarantee any transaction by a foreign person where the transaction by that foreign person would be prohibited by this part if performed by a United States person or within the United States.

§ 560.209 Prohibited transactions with respect to the development of Iranian petroleum resources.

Except as otherwise authorized, and notwithstanding any contract entered into or any license or permit granted prior to March 16, 1995, the following are prohibited:

(a) The entry into or performance by a United States person, or the approval by a United States person of the entry into or performance by an entity owned or controlled by a United States person, of:

(1) A contract that includes overall supervision and management responsibility for the development of petroleum resources located in Iran, or

(2) A guaranty of another person's performance under such contract; or

(b) The entry into or performance by a United States person, or the approval by a United States person of the entry into or performance by an entity owned or controlled by a United States person, of:

(1) A contract for the financing of the development of petroleum resources located in Iran, or

(2) A guaranty of another person's performance under such a contract.

§ 560.210 Exempt transactions.

(a) *Personal communications.* The prohibitions contained in this part do not apply to any postal, telegraphic, telephonic, or other personal communication that does not involve the transfer of anything of value.

(b) *Humanitarian donations.* The prohibitions of §§ 560.204 and 560.206 do not apply to donations by United States persons of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering.

(c) *Information or informational materials.* (1) The prohibitions contained in this part do not apply to the importation from any country and the exportation to any country of information or informational materials, as defined in § 560.315, whether commercial or otherwise, regardless of format or medium of transmission.

(2) This section does not exempt from regulation or authorize transactions related to information or informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services. Such prohibited transactions include, but are not limited to, payment of advances for information or informational materials not yet created and completed (with the exception of prepaid subscriptions for widely circulated magazines and other periodical publications); provision of services to market, produce or co-produce, create, or assist in the creation of information or informational materials; and payment of royalties with respect to income received for enhancements or alterations made by U.S. persons to such information or informational materials.

(3) This section does not exempt or authorize transactions incident to the exportation of software subject to the Export Administration Regulations, 15 CFR parts 730 through 774, or to the exportation of goods (including software) or technology for use in the transmission of any data, or to the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) for use in the transmission of any data. The exportation of such items or services and the provision, sale, or leasing of such capacity or facilities to Iran, the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 are prohibited.

Note to paragraph (c)(3) of § 560.210: *See* § 560.540 of this part for a general license authorizing the exportation to persons in Iran of certain services and software incident to the exchange of personal communications over the Internet.

(d) *Travel.* The prohibitions contained in this part do not apply to transactions ordinarily incident to travel to or from any country, including importation or exportation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

(e) *Official Business.* The prohibitions in § 560.211 do not apply to transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

(f) The prohibitions in § 560.211 do not apply to property and interests in property of the Government of Iran that were blocked pursuant to Executive Order 12170 of November 14, 1979, and thereafter made subject to the transfer directives set forth in Executive Order 12281 of January 19, 1981, and implementing regulations thereunder.

§ 560.211 Prohibited transactions involving blocked property.

(a) All property and interests in property of the Government of Iran, including the Central Bank of Iran, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) All property and interests in property of any Iranian financial institution, including the Central Bank of Iran, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(c) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any foreign branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to paragraphs (a) through (c) of this section.

Note 1 to paragraphs (a) through (c) of § 560.211: The names of persons identified as already blocked or designated for blocking pursuant to Executive Order 13599 of February 5, 2012, whose property and interests in property therefore are blocked pursuant to this section, are published in the **Federal Register** and incorporated into the Office of Foreign Assets Control's Specially Designated Nationals and Blocked Persons List (''SDN List'') with the identifier ''[IRAN].'' The SDN List is accessible through the following page on the Office of Foreign Control's Web site: *www.treasury.gov/sdn*. Additional information pertaining to the SDN List can be found in Appendix A to this chapter. *See* § 560.425 concerning entities that may not be listed on the SDN List but whose property and interests in property are

nevertheless blocked pursuant to this section. Executive Order 13599 blocks the property and interests in property of the Government of Iran and Iranian financial institutions, as defined in § 560.304 and § 560.324, respectively. The property and interests in property of persons falling within the definition of the terms *Government of Iran* and *Iranian financial institution* are blocked pursuant to this section regardless of whether the names of such persons are published in the **Federal Register** or incorporated into the SDN List.

Note 2 to paragraph (a) through (c) of § 560.211: The International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), in section 203 (50 U.S.C. 1702), authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The names of persons whose property and interests in property are blocked pending investigation pursuant to this section also are published in the **Federal Register** and incorporated into the SDN List with the identifier ''[BPI–IRAN].''

Note 3 to paragraph (a) through (c) of § 560.211: Sections 501.806 and 501.807 of this chapter describe the procedures to be followed by persons seeking, respectively, the unblocking of funds that they believe were blocked due to mistaken identity, or administrative reconsideration of their status as the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to this section.

(d) The prohibitions in paragraphs (a) through (c) of this section include, but are not limited to, prohibitions on the following transactions:

(1) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to paragraphs (a) through (c) of this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any person whose property and interests in property are blocked pursuant to paragraphs (a) through (c) of this section.

(e) Unless authorized by this part or by a specific license expressly referring to this section, any dealing in any security (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of, or known to be held for the benefit of, or issued by, the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to this section is prohibited. This prohibition includes but is not limited to the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, any such security on or after the effective date. This prohibition applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such security may have or might appear to have assigned, transferred, or otherwise disposed of the security.

(f) The prohibitions in paragraphs (a) through (c) of this section apply except to the extent transactions are authorized by regulations, orders, directives, rulings, instructions, licenses, or otherwise, and notwithstanding any contracts entered into or any license or permit granted prior to the effective date.

§ 560.212 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 560.211, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power, or privilege with respect to such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 560.211, unless the person who holds or maintains such property, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, a license or other authorization issued by the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of this part and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property is or was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property is or was held or maintained (and as to such person only);

(2) The person with whom such property is or was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property is or was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license, or other directive or authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

Note to paragraph (d) of § 560.212: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (d)(2) of this section have been satisfied.

(e) Unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property and interests in property blocked pursuant to § 560.211.

§ 560.213 Holding of funds in interest-bearing accounts; investment and reinvestment.

(a) Except as provided in paragraphs (e) or (f) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 560.211 shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a Federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) Funds held or placed in a blocked account pursuant to paragraph (a) of this section may not be invested in instruments the maturity of which exceeds 180 days.

(c) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(d) For purposes of this section, if interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(e) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 560.211 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraphs (a) or (f) of this section.

(f) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 560.211 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(g) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property. However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales or liquidation in appropriate cases.

(h) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to any person whose property and interests in property are blocked pursuant to § 560.211, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 560.214 Expenses of maintaining blocked physical property; liquidation of blocked property.

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted prior to the effective date, all expenses incident to the maintenance of physical property blocked pursuant to § 560.211 shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 560.211 may, in the discretion of the Office of Foreign Assets Control, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

Subpart C—General Definitions

§ 560.301 Effective date.

The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part as follows:

(a) With respect to the prohibitions and directives in § 560.201 and §§ 560.204 through 560.209 is 12:01 a.m., Eastern Daylight Time, August 20, 1997. For the effective date of pre-existing regulations and directives, see the Executive orders in the Authority citation for this part and implementing regulations.

(b) With respect to prohibited transfers or other dealings in blocked property and interests in property of the Government of Iran, as defined in § 560.304, and Iranian financial institutions, as defined in § 560.324, 12:01 a.m. eastern standard time, February 6, 2012; and

(c) With respect to a person whose property and interests in property are otherwise blocked pursuant to paragraph (c) of § 560.211, the earlier of the date of actual or constructive notice that such person's property and interests in property are blocked.

§ 560.302 [Reserved].

§ 560.303 Iran; Iranian.

The term *Iran* means the territory of Iran and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the Government of Iran claims sovereignty, sovereign rights, or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to an international agreement. The term *Iranian* means pertaining to Iran as defined in this section.

§ 560.304 Government of Iran.

The term *Government of Iran* includes:

(a) The state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Iran;

(b) Any person owned or controlled, directly or indirectly, by the foregoing;

(c) Any person to the extent that such person is, or has been, since the effective date, acting or purporting to act, directly or indirectly, for or on behalf of the foregoing; and

(d) Any other person determined by the Office of Foreign Assets Control to be included within paragraphs (a) through (c) of this section.

Note 1 to § 560.304: The names of persons that OFAC has determined fall within this definition are published in the **Federal Register** and incorporated into the Office of Foreign Assets Control's Specially Designated Nationals and Blocked Persons List (''SDN List'') with the identifier ''[IRAN].'' The SDN List is accessible through the following page on the Office of Foreign Assets Control's Web site: *www.treasury.gov/sdn.* However, the property and interests in property of persons falling within the definition of the term *Government of Iran* are blocked pursuant to § 560.211 regardless of whether the names of such persons are published in the **Federal Register** or incorporated into the SDN List.

Note 2 to § 560.304: Section 501.807 of this chapter describes the procedures to be followed by persons seeking administrative reconsideration of OFAC's determination that they fall within the definition of the term *Government of Iran.*

§ 560.305 Person; entity.

(a) The term *person* means an individual or entity.

(b) The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

§ 560.306 Iranian-origin goods or services; goods or services owned or controlled by the Government of Iran.

(a) The terms *goods of Iranian origin* and *Iranian-origin goods* include:

(1) Goods grown, produced, manufactured, extracted, or processed in Iran; and

(2) Goods which have entered into Iranian commerce.

(b) The terms *services of Iranian origin* and *Iranian-origin services* include:

(1) Services performed in Iran or by an entity organized under the laws of

Iran or any jurisdiction within Iran, or a person residing in Iran; and

(2) Services performed outside Iran by a citizen, national or permanent resident of Iran who is ordinarily resident in Iran, or by an entity organized under the laws of Iran or any jurisdiction within Iran.

(c) The term *goods or services owned or controlled by the Government of Iran* includes:

(1) Goods grown, produced, manufactured, extracted or processed by the Government of Iran or goods in its possession or control; and

(2) Services performed by the Government of Iran.

(d) The terms *services of Iranian-origin, Iranian-origin services,* and *services owned or controlled by the Government of Iran* do not include:

(1) Diplomatic and consular services performed by or on behalf of the Government of Iran;

(2) Diplomatic and consular services performed by or on behalf of the Government of the United States; or

(3) Services performed outside Iran by an Iranian citizen or national who is resident in the United States or a third country, provided such services are not performed by or on behalf of the Government of Iran (other than diplomatic and consular services), an entity organized under the laws of Iran or any jurisdiction within Iran, or a person located in Iran.

§ 560.307 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 560.308 Importation of goods.

With respect to goods (including software), the term *importation* means the bringing of any goods into the United States, except that in the case of goods transported by vessel, *importation* means the bringing of any goods into the United States with the intent to unlade them.

§ 560.309 [Reserved]

§ 560.310 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 560.311 General license.

The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part.

§ 560.312 Specific license.

The term *specific license* means any license or authorization not set forth in subpart E of this part but issued pursuant to this part.

§ 560.313 Entity owned or controlled by the Government of Iran.

The term *entity owned or controlled by the Government of Iran* includes any corporation, partnership, association, or other entity in which the Government of Iran owns a 50 percent or greater interest or a controlling interest, and any entity which is otherwise controlled by that government.

§ 560.314 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

§ 560.315 Information or informational materials.

(a) For purposes of this part, the term *information or informational materials* includes, but is not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds.

Note to paragraph (a) of § 560.315: To be considered information or informational materials, artworks must be classified under chapter heading 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

(b) The term *information or informational materials,* with respect to exports, does not include items:

(1) That were, as of April 30, 1994, or that thereafter become, controlled for export pursuant to section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2401–2420, the ''EAA''), or section 6 of the EAA to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(2) With respect to which acts are prohibited by 18 U.S.C. chapter 37.

§ 560.316 New investment.

The term *new investment* means a transaction after 12:01 Eastern Daylight Time, May 7, 1995, that constitutes:

(a) A commitment or contribution of funds or other assets; or

(b) A loan or other extension of credit, as defined in § 560.317.

§ 560.317 Credits or loans.

The term *credits* or *loans* means any transfer or extension of funds or credit on a basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including but not limited to: Overdrafts; currency swaps; purchases of debt securities issued by the Government of Iran; purchases of a loan made by another person; sales of financial assets subject to an agreement to repurchase; renewals or refinancings whereby funds or credits are transferred to or extended to a prohibited borrower or prohibited recipient; the issuance of standby letters of credit; and drawdowns on existing lines of credit.

§ 560.318 [Reserved]

§ 560.319 United States depository institution.

The term *United States depository institution* means any entity (including its foreign branches) organized under the laws of the United States or any jurisdiction within the United States, or any agency, office, or branch located in the United States of a foreign entity, that is engaged primarily in the business of banking (for example, banks, savings banks, savings associations, credit unions, trust companies, and United States bank holding companies).

§ 560.320 Iranian accounts.

The term *Iranian accounts* means accounts of persons who are ordinarily resident in Iran, except when such persons are not located in Iran, or of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 of this part, maintained on the books of either a United States depository institution or a United States registered broker or dealer in securities.

§ 560.321 United States registered broker or dealer in securities.

The term *United States registered broker or dealer in securities* means any U.S. citizen, permanent resident alien, or entity organized under the laws of the United States or of any jurisdiction within the United States (including its foreign branches), or any agency, office or branch of a foreign entity located in the United States, that:

(a) Is a ''broker'' or ''dealer'' in securities within the meanings set forth in the Securities Exchange Act of 1934;

(b) Holds or clears customer accounts; and

(c) Is registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

§ 560.322 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property subject to the

prohibitions in § 560.211 held in the name of the Government of Iran, any Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, or in which the Government of Iran, an Iranian financial institution, or such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control expressly authorizing such action.

Note to § 560.322: See § 560.425 concerning the blocked status of property and interests in property of an entity that is 50 percent or more owned by a person whose property and interests in property are blocked pursuant to § 560.211.

§ 560.323 Interest.

Except as otherwise provided in this part, the term *interest,* when used with respect to property (*e.g.,* ''an interest in property''), means an interest of any nature whatsoever, direct or indirect.

§ 560.324 Iranian financial institution.

The term *Iranian financial institution* means any entity (including foreign branches), wherever located, organized under the laws of Iran or any jurisdiction within Iran, or owned or controlled by the Government of Iran, or in Iran, or owned or controlled by any of the foregoing, that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes but is not limited to depository institutions, banks, savings banks, money service businesses, trust companies, insurance companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and holding companies, affiliates, or subsidiaries of any of the foregoing.

§ 560.325 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent.

§ 560.326 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property. Without limitation on the foregoing, it shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 560.327 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. It includes but is not limited to depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices, and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

Subpart D—Interpretations

§ 560.401 Reference to amended sections.

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order, instruction, directive, or license issued pursuant to this part refers to the same as currently amended.

§ 560.402 Effect of amendment.

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal proceeding commenced or pending, prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 560.403 Transshipment or transit through Iran.

The prohibitions in §§ 560.204, 560.206, and 560.208 apply to export, reexport or supply transactions which require a transshipment or transit of goods or technology through Iran to third countries.

§ 560.404 [Reserved]

§ 560.405 Transactions ordinarily incident to a licensed transaction authorized.

Any transaction ordinarily incident to a licensed transaction and necessary to

give effect thereto is also authorized, except:

(a) An ordinarily incident transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property;

(b) Payments or transfers of funds;

Note to paragraph (b) of § 560.405: *See* § 560.516 for a general license authorizing United States depository institutions or United States registered brokers or dealers in securities to process transfers of funds if the transfer arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction authorized by a specific or general license issued pursuant to, or set forth in, this part.

(c) Provision of any transportation services to or from Iran not explicitly authorized in or pursuant to this part other than loading, transporting, and discharging licensed or exempt cargo there;

(d) Distribution or leasing in Iran of any containers or similar goods owned or controlled by United States persons after the performance of transportation services to Iran; and

(e) Financing of sales for the exportation or reexportation of agricultural commodities, medicine, and medical devices that is authorized by general or specific license pursuant to § 560.530.

Note to paragraph (e) of § 560.405: *See* § 560.530(a)(2) and (a)(3) for general licenses authorizing, with certain exceptions, the exportation or reexportation of food, medicine, and generally licensed medical devices to the Government of Iran, individuals or entities in Iran, or persons in third countries purchasing specifically for resale to any of the foregoing. These general licenses also authorize the conduct of related transactions, including, but not limited to, financing and payment, provided that payment terms and financing are limited to, and consistent with, those authorized by § 560.532. Also, see § 560.532 for a general license for payment terms for sales authorized by one of the general licenses set forth in paragraphs (a)(2) and (a)(3) of § 560.530 or by a specific license issued pursuant to paragraph (a)(1) of the same section.

§ 560.406 Transshipment or transit through the United States.

(a) The prohibitions in § 560.201 apply to the importation into the United States, for transshipment or transit, of Iranian-origin goods or goods owned or controlled by the Government of Iran which are intended or destined for third countries.

(b) The prohibitions in § 560.204 apply to the transshipment or transit of foreign goods through the United States which are intended or destined for Iran or the Government of Iran, including entities owned or controlled by the Government of Iran.

(c) Goods in which the Government of Iran, any Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 has an interest which are imported into or transshipped through the United States are subject to the prohibitions in § 560.211.

§ 560.407 Transactions related to Iranian-origin goods.

(a) Importation into the United States from third countries of goods containing Iranian-origin raw materials or components and transactions relating to such goods are not prohibited by § 560.201 or § 560.206 if those raw materials or components have been incorporated into manufactured products or substantially transformed in a third country by a person other than a United States person.

(b) Transactions relating to Iranian-origin goods that have not been incorporated into manufactured products or substantially transformed in a third country are prohibited.

§ 560.408 Importation into and release from a bonded warehouse or foreign trade zone.

The prohibitions in § 560.201 apply to importation into a bonded warehouse or a foreign trade zone of the United States.

§ 560.409 [Reserved]

§ 560.410 Provision of services.

(a) The prohibition on the exportation, reexportation, sale or supply of services contained in § 560.204 applies to services performed on behalf of a person in Iran or the Government of Iran or where the benefit of such services is otherwise received in Iran, if such services are performed:

(1) In the United States, or

(2) Outside the United States by a United States person, including by an overseas branch of an entity located in the United States.

(b) The benefit of services performed anywhere in the world on behalf of the Government of Iran is presumed to be received in Iran.

(c) The prohibitions on transactions involving blocked property contained in § 560.211 apply to services performed in the United States or by U.S. persons, wherever located, including by an overseas branch of an entity located in the United States:

(1) On behalf of or for the benefit of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211; or

(2) With respect to property interests of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211.

(d) *Example.* A United States person is engaged in a prohibited exportation of services to Iran when it extends credit to a third-country firm specifically to enable that firm to manufacture goods for sale to Iran or for an entity of the Government of Iran. *See also* § 560.416.

§ 560.411 [Reserved]

§ 560.412 Extensions of credit or loans to Iran.

(a) The prohibitions contained in §§ 560.204 and 560.207 apply to but are not limited to the unauthorized renewal or rescheduling of credits or loans in existence as of May 6, 1995, such as the extension of a standby letter of credit.

(b) The prohibitions contained in § 560.209 apply, among other things, to the unauthorized renewal or rescheduling of credits or loans in existence as of March 15, 1995.

(c) The prohibitions contained in §§ 560.204, 560.207 and 560.209 apply to, among other things, credits or loans in any currency.

§ 560.413 [Reserved]

§ 560.414 Reexportation of certain U.S.-origin goods exported prior to May 7, 1995.

The prohibitions on reexportation in § 560.205 do not apply to United States-origin goods or technology that were exported from the United States prior to 12:01 a.m., Eastern Daylight Time, May 7, 1995, if:

(a) Such goods or technology were not the property of a United States person as of 12:01 a.m. Eastern Daylight Time, May 7, 1995; and

(b) The reexportation of the U.S.-origin goods or technology to Iran or the Government of Iran was not subject to reexport (as opposed to export) license application requirements under U.S. regulations in effect prior to May 6, 1995.

Note 1 to § 560.414: The exclusion in this section applies, among other things, to goods that were as of May 6, 1995, classified under the U.S. Department of Commerce's Export Administration Regulations (15 CFR parts 730 through 774) as ECCNs 2A994; 3A993; 5A992; 5A995; 6A990; 6A994; 7A994; 8A992; 8A994; 9A990; 9A992; and 9A994, that were exported from the United States prior to 12:01 a.m. Eastern Daylight Time, May 7, 1995, and were not the property of a United States person as of 12:01 a.m. Eastern Daylight Time, May 7, 1995. As of April 26, 1999, items covered by this note are

classified under ECCNs 2A994; 3A992.a; 5A991.f; 5A992.a and .c; 6A991; 6A998.a; 7A994; 8A992.d, .e, .f and .g; 9A990.a and .b; and 9A991.d and .e.

Note 2 to § 560.414: A reexportation of U.S.-origin goods or technology which meets the conditions of paragraph (a) of this section, or which is not within the scope of § 560.205, nevertheless may require specific authorization by other agencies of the U.S. Government for reexportation to Iran or the Government of Iran. For example, items which meet the conditions of paragraph (a) may nevertheless require an export license under the End User and End Use Control Policies found in provisions of the Export Administration Regulations (15 CFR part 744).

§ 560.415 [Reserved]

§ 560.416 Brokering services.

(a) For purposes of the prohibitions in §§ 560.201, 560.204, 560.205, 560.206, and 560.208, the term *services* includes performing a brokering function.

(b) *Examples.* A person within the United States, or a United States person, wherever located, may not:

(1) Act as broker for the provision of goods, services or technology, from whatever source, to or from Iran or the Government of Iran;

(2) Act as broker for the purchase or swap of crude oil of Iranian origin or owned or controlled by the Government of Iran;

(3) Act as broker for the provision of financing, a financial guarantee or an extension of credit by any person to Iran or the Government of Iran;

(4) Act as a broker for the provision of financing, a financial guarantee or an extension of credit to any person specifically to enable that person to construct or operate a facility in Iran or owned or controlled by the Government of Iran; or

(5) Act as a broker for the provision of financing, a financial guarantee, or an extension of credit to any person specifically to enable that person to provide goods, services, or technology intended for Iran or the Government of Iran.

§ 560.417 Facilitation; change of policies and procedures; referral of business opportunities offshore.

With respect to § 560.208, a prohibited facilitation or approval of a transaction by a foreign person occurs, among other instances, when a United States person:

(a) Alters its operating policies or procedures, or those of a foreign affiliate, to permit a foreign affiliate to accept or perform a specific contract, engagement or transaction involving Iran or the Government of Iran without the approval of the United States person, where such transaction previously required approval by the United States person and such transaction by the foreign affiliate would be prohibited by this part if performed directly by a United States person or from the United States;

(b) Refers to a foreign person purchase orders, requests for bids, or similar business opportunities involving Iran or the Government of Iran to which the United States person could not directly respond as a result of the prohibitions contained in this part; or

(c) Changes the operating policies and procedures of a particular affiliate with the specific purpose of facilitating transactions that would be prohibited by this part if performed by a United States person or from the United States.

§ 560.418 Release of technology or software in the United States or a third country.

The release of technology or software in the United States, or by a United States person wherever located, to any person violates the prohibitions of this part if made with knowledge or reason to know the technology is intended for Iran or the Government of Iran, unless that technology or software meets the definition of information and informational materials in § 560.315.

Note 1 to § 560.418: The release of technology or software in the United States, or the release of U.S. origin technology or software in a third country, to a foreign national may require a license from the U.S. Department of Commerce's Bureau of Industry and Security under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''). The EAR require a license for such release if both of the following conditions are met:

(a) That technology or software would require a license for exportation (or reexportation) to the home country of the foreign national; and

(b) The foreign national is not a citizen or permanent resident of the United States (or of the third country) or is not a protected individual under the Immigration and Naturalization Act (8 U.S.C. Sec. 1324(b)(a)(3)). *See* 15 CFR 734.2(b)(2)(ii) and 734.2(b)(5).

Note 2 to § 560.418: The transfer to a foreign national of technology subject to regulations administered by the U.S. Department of State or other agencies of the U.S. Government may require authorization by those agencies.

§ 560.419 U.S. employment of persons ordinarily resident in Iran.

The prohibitions in § 560.201 make it unlawful to hire an Iranian national ordinarily resident in Iran to come to the United States solely or for the principal purpose of engaging in employment on behalf of an entity in Iran or as the employee of a U.S. person, unless authorized pursuant to § 560.505. *See also* § 560.418 with respect to the release of technology and software.

§ 560.420 Reexportation by non-U.S. persons of certain foreign-made products containing U.S.-origin goods or technology.

For purposes of satisfying the de minimis content rule in § 560.205(b)(2):

(a) U.S.-origin goods (excluding software) falling within the definition in § 560.205 must comprise less than 10 percent of the total value of the foreign-made good (excluding software);

(b) U.S.-origin software falling within the definition in § 560.205 must comprise less than 10 percent of the total value of the foreign-made software;

(c) U.S.-origin technology falling within the definition in § 560.205 must comprise less than 10 percent of the total value of the foreign-made technology; and,

(d) In cases involving a complex product made of a combination of U.S.-origin goods (including software) and technology falling within the definition in § 560.205, the aggregate value of all such U.S.-origin goods (including software) and such technology contained in the foreign-made product must be less than 10 percent of the total value of the foreign-made product.

Note 1 to § 560.420: Notwithstanding the exceptions contained in § 560.205(b)(1) and (b)(2) and this section, a reexportation to Iran or the Government of Iran of U.S.-origin items falling within the definition in § 560.205 is prohibited if those U.S.-origin goods (including software) or that technology have been substantially transformed or incorporated into a foreign-made end product which is destined to end uses or end users prohibited under regulations administered by other U.S. Government agencies. See, e.g., the Export Administration Regulations (31 CFR 736.2(b)(5), 744.2, 744.3, 744.4, 744.7, and 744.10); International Traffic in Arms Regulations (22 CFR 123.9).

Note 2 to § 560.420: A reexportation not prohibited by § 560.205 may nevertheless require authorization by the U.S. Department of Commerce, the U.S. Department of State or other agencies of the U.S. Government.

Note 3 to § 560.420: The provisions of § 560.205 and this section apply only to persons other than United States persons.

§ 560.421 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 560.211 if effected after the effective date.

§ 560.422 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, such property shall no longer be deemed to be property blocked pursuant to § 560.211, unless there exists in the property another interest that is blocked pursuant to § 560.211, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, such property shall be deemed to be property in which the Government of Iran, an Iranian financial institution, or that person has an interest and therefore blocked.

§ 560.423 Offshore transactions involving blocked property.

The prohibitions in § 560.211 on transactions or dealings involving blocked property apply to transactions by any U.S. person in a location outside the United States with respect to property held in the name of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, or property in which the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 has or has had an interest since the effective date.

§ 560.424 Payments from blocked accounts to satisfy obligations prohibited.

Pursuant to § 560.211, no debits may be made to a blocked account to pay obligations to U.S. persons or other persons, except as authorized by or pursuant to this part.

Note to § 560.424: *See also* § 560.502(f), which provides that no license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

§ 560.425 Entities owned by a person whose property and interests in property are blocked.

A person whose property and interests in property are blocked pursuant to § 560.211 has an interest in all property and interests in property of an entity in which it owns, directly or indirectly, a 50 percent or greater interest. The property and interests in property of such an entity, therefore, are blocked, and such an entity is a person whose property and interests in property are blocked pursuant to § 560.211, regardless of whether the entity itself is designated pursuant to § 560.211.

Note to § 560.425: This section, which deals with the consequences of ownership of entities, in no way limits the definition of the Government of Iran in § 560.304.

§ 560.426 Charitable contributions.

Unless specifically authorized by the Office of Foreign Assets Control pursuant to this part, no charitable contribution of funds, goods, services, or technology, including contributions to relieve human suffering, such as food, clothing or medicine, may be made by, to, or for the benefit of, or received from, the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211. For the purposes of this part, a contribution is made by, to, or for the benefit of, or received from, the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 if made by, to, or in the name of, or received from or in the name of, such a person; if made by, to, or in the name of, or received from or in the name of, an entity or individual acting for or on behalf of, or owned or controlled by, such a person; or if made in an attempt to violate, to evade, or to avoid the bar on the provision of contributions by, to, or for the benefit of such a person, or the receipt of contributions from any such person.

§ 560.427 Exportation, reexportation, sale or supply of financial services to Iran or the Government of Iran.

(a) The prohibition on the exportation, reexportation, sale or supply of financial services to Iran or the Government of Iran contained in § 560.204 applies to:

(1) The transfer of funds, directly or indirectly, from the United States or by a U.S. person, wherever located, to Iran or the Government of Iran; and

(2) The provision, directly or indirectly, to Iran or the Government of Iran of insurance services, investment or brokerage services (including but not limited to brokering or trading services regarding securities, debt, commodities, options, or foreign exchange), banking services, money remittance services; loans, guarantees, letters of credit, or other extensions of credit; or the service of selling or redeeming traveler's checks, money orders, and prepaid access products.

Note to paragraph (a) of § 560.427: See § 560.516 of this part, which authorizes only United States depository institutions and United States registered brokers or dealers in securities to process certain transfers of funds to or from Iran.

(b) Pursuant to the prohibition in § 560.204 on the exportation, reexportation, sale or supply of financial services to Iran or the Government of Iran, United States depository institutions and United States registered brokers or dealers in securities are prohibited from performing services with respect to Iranian accounts, as defined in § 560.320.

Note to paragraph (b) of § 560.427: *See* § 560.517 of this part for general licenses authorizing United States depository institutions and United States registered brokers or dealers in securities to operate Iranian accounts in certain limited circumstances.

§ 560.428 Credit extended and cards issued by U.S. financial institutions.

The prohibition in § 560.211 on dealing in property subject to that section prohibits U.S. financial institutions from performing under any existing credit agreements, including, but not limited to, charge cards, debit cards, or other credit facilities issued by a U.S. financial institution to the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 560.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see part 501, subpart E of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part. General licenses and statements of licensing policy relating to this part also may be available through the Iran sanctions page on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*).

§ 560.502 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by the Office of Foreign Assets Control, authorizes or validates any transaction effected prior to the issuance of such license or other authorization, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any other part of this chapter unless the regulation, ruling, instruction, or license specifically refers to such part.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

(d) All transactions involving property and interests in property of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 authorized under specific licenses issued pursuant to this part prior to February 6, 2012, are authorized, and such specific licenses shall remain in effect according to their terms, provided that such specific licenses have an expiration date. If a specific license issued pursuant to this part but not part 535 has no expiration date, then all transactions involving property and interests in property of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 authorized under such a specific license were authorized until April 6, 2012, and such a specific license shall otherwise expire in its entirety on January 22, 2013. If a specific license issued pursuant to this part and part 535 has no expiration date, then all transactions involving property and interests in property of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 authorized under such a specific license are authorized, and such a specific license shall remain in effect according to its terms. Nothing in this paragraph authorizes payments from blocked funds or debits to blocked accounts, except for payments from funds or debits to accounts blocked pursuant to part 535 that are authorized by specific licenses issued pursuant to this part and part 535 of this chapter.

(e) Nothing contained in this part shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the U.S. Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency. For example, exports of goods, services, or technical data which are not prohibited by this part or which do not require a license by the Office of Foreign Assets Control, nevertheless may require authorization by the U.S. Department of Commerce, the U.S. Department of State, or other agencies of the U.S. Government. *See also* § 560.701(d).

(f) No license or other authorization contained in or issued pursuant to this part authorizes transfers of or payments from blocked property or debits to blocked accounts unless the license or other authorization explicitly authorizes the transfer of or payment from blocked property or the debit to a blocked account.

(g) Any payment relating to a transaction authorized in or pursuant to this part that is routed through the U.S. financial system should reference the relevant Office of Foreign Assets Control general or specific license authorizing the payment to avoid the blocking or rejection of the transfer.

§ 560.503 Exclusion from licenses.

The Office of Foreign Assets Control reserves the right to exclude any person, property, transaction, or class thereof from the operation of any license or from the privileges conferred by any license. The Office of Foreign Assets Control also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon actual or constructive notice of the exclusions or restrictions.

§ 560.504 [Reserved]

§ 560.505 Activities and services related to certain nonimmigrant and immigrant categories authorized.

(a)(1) Persons otherwise eligible for non-immigrant classification under categories A–3 and G–5 (attendants, servants and personal employees of aliens in the United States on diplomatic status), D (crewmen), F (students), I (information media representatives), J (exchange visitors), M (non-academic students), O (aliens with extraordinary ability), P (athletics, artists and entertainers), Q (international cultural exchange visitors), R (religious workers), or S (witnesses) are authorized to carry out in the United States those activities for which such a visa has been granted by the U.S. State Department or such nonimmigrant status or related benefit has been granted by the U.S. Department of Homeland Security.

(2) U.S. persons are authorized to export services to Iran in connection with the filing of an individual's application for the non-immigrant visa categories listed in paragraph (b)(1) of this section.

(b)(1) Persons otherwise eligible for nonimmigrant classification under categories E–2 (treaty investor), H (temporary worker), or L (intra-company transferee) and all immigrant classifications are authorized to carry out in the United States those activities for which such a visa has been granted by the U.S. State Department or such nonimmigrant or immigrant status, or related benefit, has been granted by the U.S. Department of Homeland Security, provided that the persons are not coming to the United States to work as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran.

(2) U.S. persons are authorized to export services to Iran in connection with the filing of an individual's application for the visa categories listed in paragraph (b)(1) of this section.

(c)(1) U.S. persons are authorized to engage in all transactions necessary to export financial services to Iran in connection with an individual's application for a non-immigrant visa under category E–2 (treaty investor) or an immigrant visa under category EB–5 (immigrant investor), provided that any transfer of funds pursuant to the authorization set forth in this paragraph is effected in accordance with § 560.516.

(2) In the event services are exported under paragraph (c)(1) of this section in connection with an application for an E–2 or EB–5 visa that is denied, withdrawn, or otherwise does not result

in the issuance of such visa, U.S. persons are authorized to transfer, in a lump sum back to Iran or to a third country, any funds belonging to the applicant that are held in an escrow account during the pendency of, and in connection with, such visa application, provided that any transfer of funds pursuant to the authorization set forth in this paragraph is effected in accordance with § 560.516.

(3) Paragraph (c)(1) of this section does not authorize:

(i) The exportation of financial services by U.S. persons other than in connection with funds used in pursuit of an E–2 or EB–5 visa;

(ii) Any investment in Iran by a U.S. person;

(iii) The exportation or reexportation to Iran of any goods (including software) or technology; or

(iv) The provision of services to any persons coming to the United States to work as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran.

(d) Paragraph (a)(1) of this section authorizes the release of technology or software to students ordinarily resident in Iran who are attending school in the United States as authorized by that paragraph, provided that all of the following requirements are met:

(1) Such release is ordinarily incident and necessary to the educational program in which the student is enrolled;

(2) The technology or software being released is designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), or constitutes Educational Information not subject to the EAR, as set forth in 15 CFR 734.9;

(3) The release does not otherwise require a license from the Department of Commerce; and

(4) The student to whom the release is made is not enrolled in school or participating in the educational program as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran.

Note to § 560.505: *See* § 560.555 of this part for general licenses authorizing the importation and exportation of services related to conferences in the United States or third countries.

§ 560.506 Importation and exportation of certain gifts authorized.

The importation into the United States of Iranian-origin goods from Iran or a third country, and the exportation from the United States to Iran of goods, are authorized for goods sent as gifts to persons provided that the value of each gift is not more than $100; the goods are of a type and in quantities normally given as gifts between individuals; and the goods are not controlled for chemical and biological weapons (CB), missile technology (MT), national security (NS), or nuclear proliferation (NP). See Commerce Control List, Export Administration Regulations (15 CFR part 774).

§ 560.507 [Reserved]

§ 560.508 Telecommunications and mail transactions authorized.

(a) All transactions with respect to the receipt and transmission of telecommunications involving Iran are authorized. This section does not authorize the provision, sale, or lease to Iran, the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 of telecommunications equipment or technology; nor does it authorize the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity).

(b) All transactions by U.S. persons, including payment and transfers to common carriers, incident to the receipt or transmission of mail between the United States and Iran are authorized, provided that mail is limited to personal communications not involving a transfer of anything of value. For purposes of this section, the term *mail* includes parcels only to the extent the parcels contain goods exempted from the prohibitions contained in this part or otherwise eligible for importation from or exportation to Iran under a general or specific license.

§ 560.509 Certain transactions related to patents, trademarks, and copyrights authorized.

(a) All of the following transactions in connection with patent, trademark, copyright or other intellectual property protection in the United States or Iran are authorized, including importation of or dealing in Iranian-origin services, payment for such services, and payment to persons in Iran directly connected to such intellectual property protection:

(1) The filing and prosecution of any application to obtain a patent, trademark, copyright or other form of intellectual property protection;

(2) The receipt of a patent, trademark, copyright or other form of intellectual property protection;

(3) The renewal or maintenance of a patent, trademark, copyright or other form of intellectual property protection; and

(4) The filing and prosecution of opposition or infringement proceedings with respect to a patent, trademark, copyright or other form of intellectual property protection, or the entrance of a defense to any such proceedings.

(b) This section authorizes the payment of fees currently due to the United States Government or the Government of Iran, or of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States or Iran, in connection with the transactions authorized in paragraph (a) of this section, except that payment effected pursuant to the terms of this paragraph may not be made from a blocked account.

§ 560.510 Transactions related to the resolution of disputes between the United States or United States nationals and the Government of Iran.

(a) Except as otherwise authorized, specific licenses may be issued on a case-by-case basis to authorize transactions in connection with awards, decisions or orders of the Iran-United States Claims Tribunal in The Hague, the International Court of Justice, or other international tribunals (collectively, ''tribunals''); agreements settling claims brought before tribunals; and awards, orders, or decisions of an administrative, judicial, or arbitral proceeding in the United States or abroad, where the proceeding involves the enforcement of awards, decisions, or orders of tribunals, or is contemplated under an international agreement, or involves claims arising before 12:01 a.m. Eastern Daylight Time, May 7, 1995, that resolve disputes between the Government of Iran and the United States or United States nationals, including the following transactions:

(1) Importation into the United States of, or any transaction related to, goods and services of Iranian origin or owned or controlled by the Government of Iran;

(2) Exportation or reexportation to Iran or the Government of Iran of any goods, technology, or services, except to the extent that such exportation or reexportation is also subject to export licensing application requirements of another agency of the United States Government and the granting of such a license by that agency would be prohibited by law;

(3) Financial transactions related to the resolution of disputes at tribunals, including transactions related to the funding of proceedings or of accounts related to proceedings or to a tribunal; participation, representation, or testimony before a tribunal; and the payment of awards of a tribunal; and

(4) Other transactions otherwise prohibited by this part which are necessary to permit implementation of the foregoing awards, decisions, orders, or agreements.

(b) Specific licenses may be issued on a case-by-case basis to authorize payment of costs related to the storage or maintenance of goods in which the Government of Iran has title, and to authorize the transfer of title to such goods, provided that such goods are in the United States and that such goods are the subject of a proceeding pending before a tribunal.

(c)(1) All transactions are authorized with respect to the importation of Iranian-origin goods and services necessary to the initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial, and arbitral proceedings and proceedings before tribunals.

(2) Specific licenses may be issued on a case-by-case basis to authorize the exportation to Iran or the Government of Iran of goods, and of services not otherwise authorized by § 560.525, necessary to the initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial, and arbitral proceedings and proceedings before tribunals, except to the extent that the exportation is also subject to export licensing application requirements of another agency of the United States Government and the granting of such a license by that agency would be prohibited by law.

(3) Representation of United States persons or of third country persons in legal proceedings, in the United States or abroad, including administrative, judicial, and arbitral proceedings and proceedings before tribunals, against Iran or the Government of Iran is not prohibited by this part. The exportation of certain legal services to a person in Iran or the Government of Iran is authorized in § 560.525.

Note to paragraph (c)(3) of § 560.510: The entry of any judgment or order, or entry into a settlement agreement, that effects a transfer of blocked property or interests in property, or the execution of any judgment against property or interests in property blocked pursuant to § 560.211 is prohibited, unless specifically licensed in accordance with § 560.212(e). *See* § 560.525(c).

(d) The following are authorized:

(1) All transactions related to payment of awards of the Iran-United States Claims Tribunal in The Hague against Iran.

(2) All transactions necessary to the payment and implementation of awards (other than exports or reexports subject to export license application requirements of other agencies of the United States Government) in a legal proceeding to which the United States Government is a party, or to payments pursuant to settlement agreements entered into by the United States Government in such a legal proceeding.

§ 560.511 [Reserved]

§ 560.512 Iranian Government missions in the United States.

(a) The importation of goods or services into the United States by, and the provision of goods or services in the United States to, the diplomatic missions of the Government of Iran to international organizations in the United States, and the Iranian Interests Section of the Embassy of Pakistan (or any successor protecting power) in the United States are authorized, provided that:

(1) The goods or services are for the conduct of the official business of the missions or the Iranian Interests Section, or for personal use of the employees of the missions or the Iranian Interests Section, and are not for resale;

(2) The transaction does not involve the purchase, sale, financing, or refinancing of real property;

(3) The transaction is not otherwise prohibited by law; and

(4) The transaction is conducted through an account at a U.S. financial institution specifically licensed by the Office of Foreign Assets Control.

Note to paragraph (a)(4) of § 560.512: U.S. financial institutions are required to obtain specific licenses to operate accounts for, or extend credit to, the diplomatic missions of the Government of Iran to international organizations in the United States, or the Iranian Interests Section of the Embassy of Pakistan (or any successor protecting power) in the United States.

(b) The importation of goods or services into the United States by, and the provision of goods or services in the United States to, the employees of the diplomatic missions of the Government of Iran to international organizations in the United States, and the employees of the Iranian Interests Section of the Embassy of Pakistan (or any successor protecting power) in the United States, are authorized, provided that:

(1) The goods or services are for personal use of the employees of the missions or the Iranian Interests Section, and are not for resale; and

(2) The transaction is not otherwise prohibited by law.

§ 560.513–560.515 [Reserved]

§ 560.516 Transfers of funds involving Iran.

(a) United States depository institutions are authorized to process transfers of funds to or from Iran, or for the direct or indirect benefit of persons in Iran or the Government of Iran, if the transfer arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction that has been authorized by a specific or general license issued pursuant to, or set forth in, this part and does not involve debiting or crediting an Iranian account.

(b) United States registered brokers or dealers in securities are authorized to process transfers of funds to or from Iran, or for the direct or indirect benefit of persons in Iran or the Government of Iran, if the transfer arises from, and is ordinarily incident and necessary to give effect to, an underlying transaction that has been authorized by a specific or general license issued pursuant to, or set forth in, this part and does not involve debiting or crediting an Iranian account.

§ 560.517 Exportation of services: Iranian accounts at United States depository institutions or United States registered brokers or dealers in securities.

(a) United States depository institutions are authorized to provide and be compensated for the following services and incidental transactions with respect to Iranian accounts other than blocked accounts, as defined in § 560.322:

(1) The maintenance of Iranian accounts other than blocked accounts, including the payment of interest and the debiting of service charges; and

(2) At the request of the account party, who may not be the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, the closing of Iranian accounts other than blocked accounts and the lump sum transfer only to the account party of all remaining funds and other assets in the account.

(b) United States registered brokers or dealers in securities are authorized to provide and be compensated for the following services and incidental transactions with respect to Iranian accounts other than blocked accounts, as defined in § 560.322:

(1) The limited maintenance of an Iranian account other than a blocked account, including only the payment into such account of interest, cash dividends, and stock dividends; the debiting of service charges; and the execution of stock splits and dividend reinvestment plans; and

(2) At the request of the account party, who may not be the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, the closing of Iranian accounts other than blocked accounts through the one-time liquidation of all assets in the account at fair market value and the lump sum transfer only to the account party of all proceeds derived therefrom and all remaining funds in the account.

Note to paragraphs (a) and (b) of § 560.517: *See* § 560.547, which authorizes U.S. financial institutions to debit blocked accounts for normal service charges, and § 560.213, concerning the obligation to hold blocked funds in interest-bearing accounts.

(c) Specific licenses may be issued with respect to the operation of Iranian accounts that constitute accounts of:

(1) Foreign government missions and their personnel in Iran; or

(2) Diplomatic missions of the Government of Iran to international organizations in the United States or the Iranian Interests Section of the Embassy of Pakistan in the United States.

§ 560.518 Transactions in Iranian-origin and Iranian government property.

Except for transactions involving the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, and provided that paragraph (a) of this section does not affect the status of property blocked pursuant to part 535 or this part or detained or seized, or subject to detention or seizure, pursuant to this part, the following transactions are authorized:

(a) All domestic transactions with respect to Iranian-origin goods located in the United States other than goods blocked pursuant to § 560.211.

(b) Transactions by a United States person with third-country nationals incidental to the storage and maintenance in third countries of Iranian-origin goods owned prior to May 7, 1995, by that United States person or acquired thereafter by that United States person consistent with the provisions of this part;

(c) Exportation of Iranian-origin household and personal effects from the United States incident to the relocation of United States persons outside the United States; and

(d) The use or disposition by a United States person of Iranian-origin household and personal effects that are located outside the United States and that have been acquired by the United States person in transactions not prohibited by part 535 or this part.

§ 560.519 Journalistic activities and establishment of news bureaus in Iran.

(a) Subject to the limitations and conditions set forth in paragraph (c) of this section, news reporting organizations that are United States persons, and individuals who are United States persons regularly employed by a news reporting organization either as journalists (including photojournalists) or as supporting broadcast or technical personnel, are authorized to engage in the following transactions in Iran to the extent such transactions are ordinarily incident to their journalistic activities in Iran:

(1) Hiring and compensating support staff in Iran (e.g., stringers, translators, interpreters, camera operators, technical experts, freelance producers, or drivers), or persons to handle logistics, or other office personnel as needed;

(2) Leasing or renting office space;

(3) Purchasing, leasing, or renting Iranian-origin goods and services (e.g., mobile phones and related air time), selling such goods when no longer needed to persons other than the Government of Iran, or importing them into the United States;

(4) Renting and using telecommunications facilities in Iran and paying fees related to the dissemination of information and transmission of news feeds (e.g., fees for satellite uplink facilities, live news feeds, taxes);

(5) Exporting and reexporting to Iran, and subsequently reexporting from Iran, equipment necessary for and ordinarily incident to journalistic activities, provided such equipment is designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), and further provided that such equipment is reexported from Iran to the United States or a third country when no longer needed for journalistic activities in Iran; and

(6) Paying for all expenses ordinarily incident to journalistic activities, including sales or employment taxes to the Government of Iran.

(b) Subject to the limitations and conditions set forth in paragraph (c) of this section, news reporting organizations that are United States persons are authorized to establish and operate news bureaus in Iran and to engage in the transactions set forth in paragraph (a) of this section to the extent such transactions are ordinarily incident to the establishment and operation of a news bureau in Iran.

(c) The authorizations set forth in paragraphs (a) and (b) of this section are subject to the following limitations and conditions:

(1) No goods, technology, or software listed on the Commerce Control List in the EAR, 15 CFR part 774, supplement No. 1 (CCL), or that requires a license under part 744 of the EAR, or controlled by the United States Department of State under the International Traffic in Arms Regulations, 22 CFR parts 120 through 130, may be exported or reexported to Iran without separate authorization from the Office of Foreign Assets Control.

Note to paragraph (c)(1) of § 560.519: The Commerce Control List in the EAR, 15 CFR part 774, supplement No. 1, includes items such as many laptop computers, personal computers, cell phones, personal digital assistants and other wireless handheld devices/blackberries, and other similar items. The exportation or reexportation of these items to Iran, even on a temporary basis, is prohibited, unless specifically authorized in a license issued pursuant to this part in a manner consistent with the Iran-Iraq Arms Nonproliferation Act of 1992 and other relevant law.

(2) Any United States person exporting or reexporting to Iran EAR99 equipment pursuant to paragraphs (a) or (b) of this section:

(i) Must maintain ownership and control of such equipment at all times while it is in Iran; and

(ii) Must submit a report to the Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220 within 10 business days of the export or reexport specifying the items exported or reexported and confirming that they are EAR99, and another report confirming that such items have been reexported from Iran to the United States or a third country within 10 business days of the date of reexportation from Iran.

(3) This section does not authorize the exportation or reexportation to Iran of any goods, technology, or services that are not necessary and ordinarily incident to journalistic activities in Iran or to the establishment and operation of a news bureau in Iran.

(d) For the purposes of this section, the term *news reporting organization* means an entity whose primary purpose is the gathering and dissemination of news to the general public.

Note to § 560.519: For a specific licensing policy governing the establishment and operation of news bureaus in the United States by Iranian news organizations, see § 560.549.

§ 560.520 [Reserved]

§ 560.521 Diplomatic pouches.

The following transactions are authorized:

(a) The importation into the United States from Iran, or the exportation from the United States to Iran, of diplomatic pouches and their contents; and

(b) The exportation, reexportation, sale, or supply, directly or indirectly, from the United States or by a U.S. person, wherever located, of any goods or technology to a third-country government, or to its contractors or agents, for shipment to Iran via a diplomatic pouch. To the extent necessary, this section also authorizes the shipment of such goods or technology by the third-country government to Iran via a diplomatic pouch.

Note to paragraph (b) of § 560.521: The exportation or reexportation of certain U.S.-origin goods or technology to a third-country government, or to its contractors or agents, may require authorization by the U.S. Department of Commerce under the Export Administration Regulations (15 CFR parts 730 through 774).

§ 560.522 Allowable payments for overflights of Iranian airspace.

Payments to Iran of charges for services rendered by the Government of Iran in connection with the overflight of Iran or emergency landing in Iran of aircraft owned by a United States person or registered in the United States are authorized.

§ 560.523 Exportation of equipment and services relating to information and informational materials.

Specific licenses may be issued on a case-by-case basis for the exportation of equipment and services necessary for the establishment of news wire feeds or other transmissions of information and informational materials.

§ 560.524 Household goods and personal effects.

(a) The exportation from the United States to Iran of household and personal effects, including baggage and articles for family use, of persons departing the United States to relocate in Iran is authorized provided the articles included in such effects have been actually used by such persons or by family members accompanying them, are not intended for any other person or for sale, and are not otherwise prohibited from exportation. *See also* § 560.518(c).

(b) The importation of Iranian-origin household and personal effects, including baggage and articles for family use, of persons arriving in the United States is authorized; to qualify, articles included in such effects must have been actually used abroad by such persons or by other family members from the same foreign household, must not be intended for any other person or for sale, and must not be otherwise prohibited from importation. For purposes of this paragraph, household and personal effects include all articles meeting the criteria stated in this paragraph regardless of the time elapsed since the importer's arrival in the United States from Iran.

§ 560.525 Provision of certain legal services.

(a) The provision of the following legal services to or on behalf of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, or to or on behalf of a person in Iran, or in circumstances in which the benefit is otherwise received in Iran is authorized, provided that receipt of payment of professional fees and reimbursement of incurred expenses are authorized by or pursuant to paragraph (d) of this section or otherwise authorized pursuant to this part:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of the United States or any jurisdiction within the United States, provided that such advice and counseling is not provided to facilitate transactions in violation of this part;

(2) Representation of persons named as defendants in or otherwise made a party to domestic United States legal, arbitration, or administrative proceedings;

(3) Initiation and conduct of domestic United States legal, arbitration, or administrative proceedings;

(4) Representation of persons before any federal or state agency with respect to the imposition, administration, or enforcement of United States sanctions against Iran;

(5) Initiation and conduct of legal proceedings, in the United States or abroad, including administrative, judicial, and arbitral proceedings and proceedings before international tribunals (including the Iran-United States Claims Tribunal in The Hague and the International Court of Justice):

(i) To resolve disputes between the Government of Iran or an Iranian national and the United States or a United States national;

(ii) Where the proceeding is contemplated under an international agreement; or

(iii) Where the proceeding involves the enforcement of awards, decisions, or orders resulting from legal proceedings within the scope of paragraph (a)(5)(i) or (a)(5)(ii) of this section, provided that any transaction, unrelated to the provision of legal services or the payment therefor, that is necessary or related to the execution of an award, decision, or order resulting from such legal proceeding, or otherwise necessary for the conduct of such proceeding, and which would otherwise be prohibited by this part requires a specific license in accordance with §§ 560.510 and 560.801;

(6) Provision of legal advice and counseling in connection with settlement or other resolution of matters described in paragraph (a)(5) of this section; and

(7) Provision of legal services in any other context in which prevailing United States law requires access to legal counsel at public expense.

(b) The provision of any other legal services to the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, or to or on behalf of a person in Iran, or in circumstances in which the benefit is otherwise received in Iran, not otherwise authorized in this part, requires the issuance of a specific license.

(c) Entry into a settlement agreement or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 560.211 is prohibited unless specifically licensed in accordance with § 560.212(e).

(d)(1) All receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to paragraph (a) of this section to or on behalf of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 must be specifically licensed or otherwise authorized pursuant to § 560.553 of this part.

(2) All receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to paragraph (a) of this section to or on behalf of a person in Iran, or in circumstances in which the benefit is otherwise received in Iran, other than those described in paragraph (d)(1) of

this section, are authorized, except that nothing in this section authorizes the debiting of any blocked account or the transfer of any blocked property.

§ 560.526 [Reserved]

§ 560.527 Rescheduling existing loans.

Specific licenses may be issued on a case-by-case basis for rescheduling loans or otherwise extending the maturities of existing loans, and for charging fees or interest at commercially reasonable rates, in connection therewith, provided that no new funds or credits are thereby transferred or extended to Iran or the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211.

§ 560.528 Aircraft safety.

Specific licenses may be issued on a case-by-case basis for the exportation or reexportation of goods, services, and technology to insure the safety of civil aviation and safe operation of U.S.-origin commercial passenger aircraft.

§ 560.529 Bunkering and emergency repairs.

(a) Except as provided in paragraph (b) of this section, goods or services provided in the United States to a non-Iranian carrier transporting passengers or goods to or from Iran are permissible if they are:

(1) Bunkers or bunkering services;

(2) Supplied or performed in the course of emergency repairs; or

(3) Supplied or performed under circumstances which could not be anticipated prior to the carrier's departure for the United States.

(b) This section does not authorize the provision of goods or services in connection with the transport of any goods to or from the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211.

§ 560.530 Commercial sales, exportation, and reexportation of agricultural commodities, medicine, and medical devices.

(a)(1) *One-year license requirement.* The exportation or reexportation of the excluded food items specified in paragraph (a)(2)(iii) of this section, agricultural commodities that do not fall within the definition of *food* set forth in paragraph (a)(2)(ii) of this section, food (as defined in paragraph (a)(2)(ii) of this section) intended for military or law enforcement purchasers or importers, the excluded medicines specified in paragraph (a)(3)(iii) of this section, medicine (as defined in paragraph (e)(2) of this section) intended for military or law enforcement purchasers or importers, medical devices (as defined in paragraph (e)(3) of this section) other than basic medical supplies (as defined in paragraph (a)(3)(ii) of this section), or basic medical supplies (as defined in paragraph (a)(3)(ii) of this section) intended for military or law enforcement purchasers or importers (together, ''agricultural commodities, medicine and medical devices that are not covered by the general licenses in paragraphs (a)(2) and (a)(3) of this section'') to the Government of Iran, to any individual or entity in Iran, or to persons in third countries purchasing specifically for resale to any of the foregoing, shall only be made pursuant to a one-year specific license issued by the Office of Foreign Assets Control for contracts entered into during the one year period of the license and shipped within the 12-month period beginning on the date of the signing of the contract. No specific license will be granted for the exportation or reexportation of the items set forth above to any entity or individual in Iran promoting international terrorism, to any narcotics trafficking entity designated pursuant to Executive Order 12978 of October 21, 1995 (60 FR 54579, October 24, 1995) or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901–1908), or to any foreign organization, group, or persons subject to any restriction for its or their involvement in weapons of mass destruction or missile proliferation. Executory contracts entered into pursuant to paragraph (b)(2) of this section prior to the issuance of the one-year license described in this paragraph shall be deemed to have been signed on the date of issuance of that one-year license (and, therefore, the exporter is authorized to make shipments under that contract within the 12-month period beginning on the date of issuance of the one-year license).

(2)(i) *General license for the exportation or reexportation of food.* Except as provided in paragraphs (a)(2)(iii) and (a)(2)(iv) of this section, the exportation or reexportation of food (including bulk agricultural commodities listed in appendix B to this part) to the Government of Iran, to any individual or entity in Iran, or to persons in third countries purchasing specifically for resale to any of the foregoing, and the conduct of related transactions, including, but not limited to, the making of shipping and cargo inspection arrangements, the obtaining of insurance, the arrangement of financing and payment, shipping of the goods, receipt of payment, and the entry into contracts (including executory contracts), are hereby authorized, provided that, unless otherwise authorized by specific license, payment terms and financing for sales pursuant to this general license are limited to, and consistent with, those authorized by § 560.532 of this part; and further provided that all such exports or reexports are shipped within the 12-month period beginning on the date of the signing of the contract for export or reexport.

(ii) *Definition of Food.* For purposes of this general license, the term *food* means items that are intended to be consumed by and provide nutrition to humans or animals in Iran, including vitamins and minerals, food additives and supplements, and bottled drinking water, and seeds that germinate into items that are intended to be consumed by and provide nutrition to humans or animals in Iran. For purposes of this general license, the term *food* does not include alcoholic beverages, cigarettes, gum, or fertilizer.

(iii) *Excluded food items.* Paragraph (a)(2)(i) of this section does not authorize the exportation or reexportation of the following food items: castor beans, castor bean seeds, certified pathogen-free eggs (unfertilized or fertilized), dried egg albumin, live animals, Rosary/Jequirity peas, nonfood-grade gelatin powder, and peptones and their derivatives.

(iv) *Excluded persons.* Paragraph (a)(2)(i) of this section does not authorize the exportation or reexportation of food to military or law enforcement purchasers or importers.

Note to paragraph (a)(2) of § 560.530: Consistent with section 906(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7205), each year by the anniversary of its effective date on October 12, 2011, the Office of Foreign Assets Control will determine whether to revoke this general license. Unless revoked, the general license will remain in effect.

(3)(i) *General license for the exportation or reexportation of medicine and basic medical supplies.* Except as provided in paragraphs (a)(3)(iii) and (a)(3)(iv) of this section, the exportation or reexportation of medicine (as defined in paragraph (e)(2) of this section) and basic medical supplies (as defined in paragraph (a)(3)(ii) of this section) to the Government of Iran, to any individual or entity in Iran, or to persons in third countries purchasing specifically for resale to any of the foregoing, and the conduct of related transactions, including, but not limited to, the

making of shipping and cargo inspection arrangements, the obtaining of insurance, the arrangement of financing and payment, shipping of the goods, receipt of payment, and the entry into contracts (including executory contracts), are hereby authorized, provided that unless otherwise authorized by specific license, payment terms and financing for sales pursuant to this general license are limited to, and consistent with, those authorized by § 560.532 of this part; and further provided that all such exports or reexports are shipped within the 12-month period beginning on the date of the signing of the contract for export or reexport.

(ii) *Definition of basic medical supplies.* For purposes of this general license, the term *basic medical supplies* means those medical devices, as defined in paragraph (e)(3) of this section, that are included on the List of Basic Medical Supplies on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page, but does not include replacement parts.

Note to paragraph (a)(3)(ii) of § 560.530: The List of Basic Medical Supplies is maintained on the Office of Foreign Assets Control's Web site (*www.treasury.gov/ofac*) on the Iran Sanctions page. The list also will be published in the **Federal Register,** as will any changes to the list. The List of Basic Medical Supplies generally contains those medical devices (excluding replacement parts) for which OFAC previously did not require an Official Commodity Classification of EAR99 issued by the Department of Commerce, Bureau of Industry and Security, to be submitted with a specific license application and which are now generally licensed.

(iii) *Excluded medicines.* Paragraph (a)(3)(i) of this section does not authorize the exportation or reexportation of the following medicines: non-NSAID analgesics, cholinergics, anticholinergics, opioids, narcotics, benzodiazapenes, and bioactive peptides.

(iv) *Excluded persons.* Paragraph (a)(3)(i) of this section does not authorize the exportation or reexportation of medicine or basic medical supplies to military or law enforcement purchasers or importers.

Note to paragraph (a)(3) of § 560.530: Consistent with section 906(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7205), each year by the anniversary of its effective date on October 22, 2012, the Office of Foreign Assets Control will determine whether to revoke this general license. Unless revoked, the general license will remain in effect.

(b) *General license for arrangement of exportation and reexportation of covered products that require a specific license.* (1) With respect to sales pursuant to paragraph (a)(1) of this section, the making of shipping arrangements, cargo inspections, obtaining of insurance, and arrangement of financing (consistent with § 560.532) for the exportation or reexportation of agricultural commodities, medicine and medical devices not covered by the general licenses in paragraphs (a)(2) and (a)(3) of this section to the Government of Iran, to any individual or entity in Iran, or to persons in third countries purchasing specifically for resale to any of the foregoing, are authorized.

(2) Entry into executory contracts (including executory pro forma invoices, agreements in principle, or executory offers capable of acceptance such as bids in response to public tenders) for the exportation or reexportation of agricultural commodities, medicine and medical devices not covered by the general licenses in paragraphs (a)(2) and (a)(3) of this section to the Government of Iran, to any individual or entity in Iran, or to persons in third countries purchasing specifically for resale to any of the foregoing, is authorized, provided that the performance of an executory contract is expressly made contingent upon the prior issuance of the one-year specific license described in paragraph (a)(1) of this section.

(c) *Instructions for obtaining one-year licenses.* In order to obtain the one-year specific license described in paragraph (a)(1) of this section, the exporter must provide to the Office of Foreign Assets Control:

(1) The applicant's full legal name (and, if the applicant is a business entity, the state or jurisdiction of incorporation and principal place of business);

(2) The applicant's mailing and street address (and, so that OFAC may reach a responsible point of contact, the applicant should also include the name of the individual(s) responsible for the application and related commercial transactions, along with their telephone and fax numbers and, if available, email addresses);

(3) The names, mailing addresses, and, if available, fax and telephone numbers and email addresses of all parties with an interest in the transaction. If the goods are being exported or reexported to a purchasing agent in Iran, the exporter must identify the agent's principals at the wholesale level for whom the purchase is being made. If the goods are being exported or reexported to an individual, the exporter must identify any organizations or entities with which the individual is affiliated that have an interest in the transaction;

(4) A description of all items to be exported or reexported pursuant to the requested one-year license, including a statement that the item is designated as EAR99 and, if necessary, documentation sufficient to verify that the items to be exported or reexported are designated as EAR99 and do not fall within any of the limitations contained in paragraph (d) of this section; and

(5) An Official Commodity Classification of EAR99 issued by the Department of Commerce, Bureau of Industry and Security (''BIS''), certifying that the product is designated as EAR99, is required to be submitted to OFAC with the request for a license authorizing the exportation or reexportation of all fertilizers, live horses, western red cedar, and medical devices other than basic medical supplies. *See* 15 CFR 745.3 for instructions for obtaining an Official Commodity Classification of EAR99 from BIS.

(d) *Limitations.* (1) Nothing in this section or in any general or specific license set forth in or issued pursuant to paragraph (a) of this section relieves the exporter from compliance with the export license application requirements of another Federal agency.

(2) Nothing in this section or in any general or specific license set forth in or issued pursuant to paragraph (a) of this section authorizes the exportation or reexportation of any agricultural commodity, medicine, or medical device controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 *et seq.*); or used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

(3) Nothing in this section or in any general or specific license set forth in or issued pursuant to paragraph (a) of this section affects prohibitions on the sale or supply of U.S. technology or software used to manufacture agricultural commodities, medicine, or medical devices, such as technology to design or produce biotechnological items or medical devices.

(4) Nothing in this section or in any general or specific license set forth in or issued pursuant to paragraph (a) of this section affects U.S. nonproliferation export controls, including the end-user and end-use controls maintained under Part 744 of the Export Administration Regulations, 15 CFR part 744.

(5) Nothing in this section authorizes any transaction or dealing with a person whose property and interests in property are blocked under, or who is designated or otherwise subject to any sanctions under, the terrorism, proliferation of weapons of mass destruction, or narcotics trafficking programs administered by OFAC, 31 CFR parts 536, 544, 594, 595, 597, and 598, or with any foreign organization, group, or person subject to any restriction for its involvement in weapons of mass destruction or missile proliferation, or involving property blocked pursuant to this chapter or any other activity prohibited by this chapter not otherwise authorized in or pursuant to this part.

(e) *Covered items.* For the purposes of this part, agricultural commodities, medicine, and medical devices are defined below.

(1) *Agricultural commodities.* For the purposes of this part, agricultural commodities are:

(i) Products not listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that fall within the term ''agricultural commodity'' as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602); and

(ii) Products not listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1, that are intended for ultimate use in Iran as:

(A) Food for humans (including raw, processed, and packaged foods; live animals; vitamins and minerals; food additives or supplements; and bottled drinking water) or animals (including animal feeds);

(B) Seeds for food crops;

(C) Fertilizers or organic fertilizers; or

(D) Reproductive materials (such as live animals, fertilized eggs, embryos, and semen) for the production of food animals.

(2) *Medicine.* For the purposes of this part, the term *medicine* has the same meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) but does not include any item listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1 (excluding items classified as EAR99).

Note to § 560.530(e)(2): The Department of Commerce's Bureau of Industry and Security provides a list on its Web site of medicines that are not designated as EAR99 and therefore not eligible for any general or specific license under this section.

(3) *Medical device.* For the purposes of this part, the term *medical device* has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) but does not include any item listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement no. 1 (excluding items designated as EAR99).

(f) *Excluded items.* (1) For the purposes of this part, agricultural commodities do not include furniture made from wood; clothing manufactured from plant or animal materials; agricultural equipment (whether hand tools or motorized equipment); pesticides, insecticides, or herbicides; or cosmetics (unless derived entirely from plant materials).

(2) For the purposes of this part, the term *medicine* does not include cosmetics.

§ 560.531 [Reserved]

§ 560.532 Payment for and financing of exports and reexports of agricultural commodities, medicine, and medical devices.

(a) *General license for payment terms.* The following payment terms are authorized for sales pursuant to § 560.530(a):

(1) Payment of cash in advance;

(2) Sales on open account, provided that the account receivable may not be transferred by the person extending the credit;

(3) Financing by third-country financial institutions that are not United States persons, Iranian financial institutions, or the Government of Iran. Such financing may be confirmed or advised by U.S. financial institutions; or

(4) Letter of credit issued by an Iranian financial institution whose property and interests in property are blocked solely pursuant to this part. Such letter of credit must be initially advised, confirmed or otherwise dealt in by a third-country financial institution that is not a United States person, an Iranian financial institution, or the Government of Iran before it is advised, confirmed or dealt in by a U.S. financial institution.

(b) *Specific licenses for alternate payment terms.* Specific licenses may be issued on a case-by-case basis for payment terms and trade financing not authorized by the general license in paragraph (a) of this section for sales pursuant to § 560.530(a).

(c)(1) *No debits to blocked accounts.* Nothing in this section authorizes payment terms or trade financing involving a debit to an account blocked pursuant to this part.

(2) *No debits or credits to Iranian accounts on the books of U.S. depository institutions.* Nothing in this section authorizes payment terms or trade financing involving debits or credits to Iranian accounts, as defined in § 560.320.

(d) Notwithstanding any other provision of this part, no commercial exportation to Iran may be made with United States Government assistance, including United States foreign assistance, United States export assistance, and any United States credit or guarantees absent a Presidential waiver.

§ 560.533 Brokering sales of agricultural commodities, medicine, and medical devices.

(a) *General license for brokering sales by U.S. persons.* United States persons are authorized to provide brokerage services on behalf of U.S. persons for the sale and exportation or reexportation by United States persons of agricultural commodities, medicine, and medical devices, provided that the sale and exportation or reexportation is authorized, as applicable, by a one-year specific license issued pursuant to paragraph (a)(1) of § 560.530 or by one of the general licenses set forth in paragraphs (a)(2) and (a)(3) of § 560.530.

(b) *Specific licensing for brokering sales by non-U.S. persons of bulk agricultural commodities.* Specific licenses may be issued on a case-by-case basis to permit United States persons to provide brokerage services on behalf of non-United States, non-Iranian persons for the sale and exportation or reexportation of bulk agricultural commodities to the Government of Iran, entities in Iran or individuals in Iran. Specific licenses issued pursuant to this section will authorize the brokering only of sales that:

(1) Are limited to the bulk agricultural commodities listed in appendix B to this part 560; and

(2) Are to purchasers permitted pursuant to § 560.530.

Note to paragraph (b)(2) of § 560.533: Requests for specific licenses to provide brokerage services under this paragraph must include all of the information described in § 560.530(c).

(c) No debits or credits to Iranian accounts on the books of U.S. depository institutions. Payment for any brokerage fee earned pursuant to this section may not involve debits or credits to Iranian accounts, as defined in § 560.320.

(d) *Recordkeeping and reporting requirements.* Attention is drawn to the recordkeeping, retention, and reporting requirements of §§ 501.601 and 501.602 of this chapter.

§§ 560.534–560.537 [Reserved]

§ 560.538 Authorized transactions necessary and ordinarily incident to publishing.

(a) To the extent that such activities are not exempt from this part, and subject to the restrictions set forth in paragraphs (b) through (d) of this section, U.S. persons are authorized to engage in all transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers in paper or electronic format (collectively, ''written publications''). This section does not apply if the parties to the transactions described in this paragraph include the Government of Iran. For the purposes of this section, the term ''Government of Iran'' includes the state and the Government of Iran, as well as any political subdivision, agency, or instrumentality thereof, which includes the Central Bank of Iran, and any person acting or purporting to act directly or indirectly on behalf of any of the foregoing with respect to the transactions described in this paragraph. For the purposes of this section, the term ''Government of Iran'' does not include any academic and research institutions and their personnel. Pursuant to this section, the following activities are authorized, provided that U.S. persons ensure that they are not engaging, without separate authorization, in the activities identified in paragraphs (b) through (d) of this section:

(1) Commissioning and making advance payments for identifiable written publications not yet in existence, to the extent consistent with industry practice;

(2) Collaborating on the creation and enhancement of written publications;

(3)(i) Augmenting written publications through the addition of items such as photographs, artwork, translation, explanatory text, and, for a written publication in electronic format, the addition of embedded software necessary for reading, browsing, navigating, or searching the written publication; and

(ii) Exporting embedded software necessary for reading, browsing, navigating, or searching a written publication in electronic format, provided that the software is designated as ''EAR99'' under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), or is not subject to the EAR;

(4) Substantive editing of written publications;

(5) Payment of royalties for written publications;

(6) Creating or undertaking a marketing campaign to promote a written publication; and

(7) Other transactions necessary and ordinarily incident to the publishing and marketing of written publications as described in this paragraph (a).

(b) This section does not authorize transactions involving the provision of goods or services not necessary and ordinarily incident to the publishing and marketing of written publications as described in paragraph (a) of this section. For example, this section does not authorize U.S. persons:

(1) To provide or receive individualized or customized services (including, but not limited to, accounting, legal, design, or consulting services), other than those necessary and ordinarily incident to the publishing and marketing of written publications, even though such individualized or customized services are delivered through the use of information or informational materials;

(2) To create or undertake for any person a marketing campaign with respect to any service or product other than a written publication, or to create or undertake a marketing campaign of any kind for the benefit of the Government of Iran;

(3) To engage in the exportation or importation of goods to or from Iran other than the exportation of embedded software described in paragraph (a)(3)(ii) of this section; or

(4) To operate a publishing house, sales outlet, or other office in Iran.

Note to paragraph (b) of § 560.538: The importation from Iran and the exportation to Iran of information or informational materials, as defined in § 560.315, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part. *See* § 560.210(c).

(c) This section does not authorize U.S. persons to engage the services of publishing houses or translators in Iran unless such activity is primarily for the dissemination of written publications in Iran.

(d) This section does not authorize:

(1) The exportation from or importation into the United States of services for the development, production, or design of software;

(2) Transactions for the development, production, design, or marketing of technology specifically controlled by the International Traffic in Arms Regulations, 22 CFR parts 120 through 130 (the ''ITAR''), the EAR, or the Department of Energy Regulations set forth at 10 CFR part 810;

(3) The exportation of information or technology subject to the authorization requirements of 10 CFR part 810, or Restricted Data as defined in section 11 y. of the Atomic Energy Act of 1954, as amended, or of other information, data, or technology the release of which is controlled under the Atomic Energy Act and regulations therein;

(4) The exportation of any item (including information) subject to the EAR where a U.S. person knows or has reason to know that the item will be used, directly or indirectly, with respect to certain nuclear, missile, chemical, or biological weapons or nuclear-maritime end-uses as set forth in part 744 of the EAR. In addition, U.S. persons are precluded from exporting any item subject to the EAR to certain restricted end-users, as set forth in part 744 of the EAR, as well as certain persons whose export privileges have been denied pursuant to parts 764 or 766 of the EAR, without authorization from the Department of Commerce; or

(5) The exportation of information subject to licensing requirements under the ITAR or exchanges of information that are subject to regulation by other government agencies.

§ 560.539 Official activities of certain international organizations.

(a) *General license.* Except as provided in paragraph (b) of this section, all transactions otherwise prohibited by this part that are for the conduct of the official business of the United Nations, the World Bank, the International Monetary Fund, the International Atomic Energy Agency, the International Labor Organization, or the World Health Organization by employees, contractors, or grantees thereof are authorized. Authorized transactions include, but are not limited to:

(1) The provision of services involving Iran necessary for carrying out the official business;

(2) Purchasing Iranian-origin goods and services for use in carrying out the official business;

(3) Leasing office space and securing related goods and services;

(4) Funds transfers to or from accounts of the international organizations covered in this paragraph, provided that funds transfers to or from Iran are not routed through an account of an Iranian bank on the books of a U.S. financial institution; and

(5) The operation of accounts for employees, contractors, and grantees located in Iran who are described in this paragraph. Transactions conducted through these accounts must be solely for the employee's, contractor's, or grantee's personal use and not for any commercial purposes in or involving

Iran. Any funds transfers to or from an Iranian bank must be routed through a third-country bank that is not a U.S. person.

(b) *Limitations.* This section does not authorize:

(1) The exportation from the United States to Iran of any goods or technology listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement No. 1 (CCL);

(2) The reexportation to Iran of any U.S.-origin goods or technology listed on the CCL; or

(3) The exportation or reexportation from the United States or by a U.S. person, wherever located, to Iran of any services not necessary and ordinarily incident to the official business in Iran. Such transactions require separate authorization from OFAC.

Note to paragraph (b) of § 560.539: The CCL includes items such as many laptop computers, personal computers, cell phones, personal digital assistants and other wireless handheld devices/blackberries, and other similar items. The exportation of these items to Iran, even on a temporary basis, is prohibited, unless specifically authorized in a license issued pursuant to this part in a manner consistent with the Iran-Iraq Arms Nonproliferation Act of 1992 and other relevant law.

Note to § 560.539: The general license set forth in this section does not relieve any persons authorized thereunder from compliance with any other U.S. legal requirements applicable to the transactions authorized pursuant to paragraph (a) of this section.

§ 560.540 Exportation of certain services and software incident to Internet-based communications.

(a) To the extent that such transactions are not exempt from the prohibitions of this part and subject to the restrictions set forth in paragraph (b) of this section, the following transactions are authorized:

(1) The exportation from the United States or by U.S. persons, wherever located, to persons in Iran of services incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, provided that such services are publicly available at no cost to the user.

(2) The exportation from the United States or by U.S. persons, wherever located, to persons in Iran of software necessary to enable the services described in paragraph (a)(1) of this section, provided that such software is designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), is not subject to the EAR, or is classified by the U.S. Department of Commerce (''Commerce'') as mass market software under export control classification number (''ECCN'') 5D992 of the EAR, and provided further that such software is publicly available at no cost to the user.

(b) This section does not authorize:

(1) The direct or indirect exportation of services or software with knowledge or reason to know that such services or software are intended for the Government of Iran;

(2) The direct or indirect exportation of any goods or technology listed on the Commerce Control List in the EAR, 15 CFR part 774, supplement No. 1 (''CCL''), except for software necessary to enable the services described in paragraph (a)(1) of this section that is classified by Commerce as mass market software under ECCN 5D992 of the EAR;

(3) The direct or indirect exportation of Internet connectivity services or telecommunications transmission facilities (such as satellite or terrestrial network connectivity); or

(4) The direct or indirect exportation of web-hosting services that are for purposes other than personal communications (e.g., web-hosting services for commercial endeavors) or of domain name registration services.

(c) Specific licenses may be issued on a case-by-case basis for the exportation of other, including fee-based, services and software incident to the sharing of information over the Internet, provided the software is designated as EAR99, is not subject to the EAR, or is classified by Commerce as mass market software under ECCN 5D992 of the EAR.

§ 560.541 Third-country diplomatic and consular funds transfers.

United States depository institutions and United States registered brokers or dealers in securities are authorized to process funds transfers, in a manner consistent with § 560.516, for the operating expenses or other official business of third-country diplomatic or consular missions in Iran.

§ 560.542 Importation and exportation of human remains for burial, cremation, or interment authorized.

(a) The importation into the United States of human remains for burial, cremation, or interment, as well as of coffins or other receptacles containing such human remains, from Iran is authorized.

(b) The importation into the United States for non-commercial purposes of finished tombstones or grave markers of Iranian origin is authorized.

(c) The direct or indirect exportation from the United States, or by a United States person, wherever located, of human remains for burial, cremation, or interment, as well as of coffins or other receptacles containing such human remains, to Iran is authorized.

(d) This section does not authorize the importation into the United States of Iranian-origin cultural property or other items of archaeological, historical, or rare scientific importance.

§ 560.543 Sale of certain real property in Iran and transfer of related funds to the United States.

(a) Individuals who are U.S. persons are authorized to engage in transactions necessary and ordinarily incident to the sale of real property in Iran and to transfer the proceeds to the United States, provided that such real property was either acquired before the individual became a U.S. person, or inherited from persons in Iran. Authorized transactions include, but are not limited to, engaging the services of any persons in Iran necessary for the sale, such as an attorney, funds agent, and/or real estate broker.

(b) This section does not authorize:

(1) The wind-down of commercial enterprises in Iran;

(2) The re-investment in Iran of the proceeds from the real property sales authorized in paragraph (a) of this section; or

(3) The exportation or reexportation to Iran of any goods (including software) or technology.

§ 560.544 Certain educational activities by U.S. persons in third countries authorized.

(a) Subject to the restriction set forth in paragraph (c) of this section, accredited undergraduate degree-granting academic institutions organized under the laws of the United States or any jurisdiction within the United States or located in the United States (''U.S. undergraduate institutions'') with undergraduate educational programs or undergraduate exchange programs in countries other than the United States or Iran are authorized to engage in the following activities with respect to such programs in the humanities, social sciences, law, and business:

(1) Recruit, hire, and employ faculty and staff who are ordinarily resident in Iran;

(2) Recruit, enroll, and educate students who are ordinarily resident in Iran;

(3) Enter into and perform exchange agreements with Iranian universities;

(4) Provide scholarships to students ordinarily resident in Iran; and

(5) Recruit individuals ordinarily resident in Iran, such as scholars, artists, performers, speakers, alumni, and students, to participate in events, such as conferences, lectures, film series, research workshops, exhibitions, theatrical and musical performances, and continuing education courses. U.S. undergraduate institutions are authorized to provide compensation, including honoraria, to such individuals.

(b) Subject to the restriction set forth in paragraph (c) of this section:

(1) Paragraph (a)(2) of this section authorizes the release of technology or software to students ordinarily resident in Iran, provided that all of the following requirements are met:

(i) Such release is ordinarily incident and necessary to the undergraduate educational program or the undergraduate exchange program at the U.S. undergraduate institution in which the student is enrolled;

(ii) The technology or software being released is designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (the ''EAR''), or constitutes Educational Information not subject to the EAR, as set forth in 15 CFR 734.9;

(iii) The release does not otherwise require a license from the Department of Commerce; and

(iv) The student to whom the release is made is not enrolled in the undergraduate educational program, or participating in the undergraduate exchange program, as an agent, employee, or contractor of the Government of Iran or a business entity or other organization in Iran.

(2) This section authorizes enrollment in undergraduate courses in math, sciences, and engineering that are required or electives for undergraduate programs in the humanities, social sciences, law, or business provided the following conditions are met:

(i) The undergraduate courses are required for the completion of the humanities, social sciences, law, or business program and are for ''introductory,'' non-major, freshman or sophomore equivalent courses only; or

(ii) The undergraduate courses are required for the completion of the humanities, social sciences, law, or business program and are math-related accounting or economics classes at any undergraduate level, not to include courses allowing for any post-graduate work.

(c) This section does not authorize the exportation or reexportation to Iran or the Government of Iran of any goods (including software) or technology, including any release of technology or software described in § 560.418 of this part, except as expressly authorized in paragraph (b) of this section.

(d) Specific licenses may be issued on a case-by-case basis authorizing accredited graduate degree-granting academic institutions organized under the laws of the United States or any jurisdiction within the United States or located in the United States with graduate educational programs or graduate exchange programs in third countries to recruit, hire, and employ faculty and staff who are ordinarily resident in Iran for such third-country graduate educational programs in the humanities, social sciences, law, and business or graduate exchange programs in the humanities, social sciences, law, and business, and to recruit, enroll, and educate students who are ordinarily resident in Iran in such third-country graduate educational programs in the humanities, social sciences, law, and business or graduate exchange programs in the humanities, social sciences, law, and business.

§ 560.545 Democracy and human rights in Iran and academic and cultural exchange programs.

(a) Specific licenses may be issued on a case-by-case basis to authorize nongovernmental organizations and other entities organized under the laws of the United States or any jurisdiction within the United States or located in the United States to engage in the following projects or activities in or related to Iran that are designed to directly benefit the Iranian people:

(1) Projects, including conferences and training, to support human rights, democratic freedoms, and democratic institutions and to meet basic human needs; and

(2) The establishment or support of independent civic organizations.

(b) Specific licenses may be issued on a case-by-case basis to authorize U.S. persons to engage in the following projects or activities in or related to Iran that are designed to directly benefit the Iranian people:

(1) The provision of donated professional medical services;

(2) Certain targeted educational, cultural, and sports exchange programs, provided such programs are not in furtherance of Iranian military, industrial, or technological infrastructure or potential;

(3) Environmental projects, provided such projects are not in furtherance of Iranian military or industrial infrastructure or potential; and

(4) Projects, including exchanges and technical training, to improve the flow of public information through independent media available to the Iranian public.

(c) Specific licenses issued pursuant to this section generally will not authorize the exportation or reexportation to Iran of goods (including software) and technology listed on the Commerce Control List in the Export Administration Regulations, 15 CFR part 774, supplement No. 1 (CCL).

Note 1 to § 560.545: The CCL includes items such as many laptop computers, personal computers, cell phones, personal digital assistants and other wireless handheld devices/blackberries, and other similar items. The exportation or reexportation of these items to Iran, even on a temporary basis, is prohibited, unless specifically authorized in a license issued pursuant to this part in a manner consistent with the Iran-Iraq Arms Nonproliferation Act of 1992 and other relevant law.

§ 560.546 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 has any interest that comes within the possession or control of a U.S. financial institution must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may be made only to another blocked account held in the same name.

Note to § 560.546: *See* § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. *See also* § 560.213 of this part concerning the obligation to hold blocked funds in interest-bearing accounts.

§ 560.547 Entries in certain accounts for normal service charges authorized.

(a) A U.S. financial institution is authorized to debit any blocked account held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term *normal service charges* shall include charges in payment or reimbursement for interest due; cable, telegraph, Internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and

protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

Note to § 560.547: *See* § 560.517, which authorizes U.S. depository institutions and U.S. registered brokers or dealers in securities to provide and be compensated for services with respect to the limited maintenance of Iranian accounts other than blocked accounts, including the payment of interest and dividends and the debiting of service charges.

§ 560.548 Investment and reinvestment of certain funds.

Subject to the requirements of § 560.213, U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 560.211, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount that is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but funds shall not be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments shall not be credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.,* through pledging or other use) to a person whose property and interests in property are blocked pursuant to § 560.211.

§ 560.549 Policy governing Iranian news organizations' offices in the United States.

Specific licenses may be issued on a case-by-case basis authorizing transactions necessary for the establishment and operation of news bureaus in the United States by Iranian organizations whose primary purpose is the gathering and dissemination of news to the general public.

§ 560.550 Certain noncommercial, personal remittances to or from Iran authorized.

(a) In cases in which the transfer involves a noncommercial, personal remittance, the transfer of funds to or from Iran or for or on behalf of an individual ordinarily resident in Iran, other than an individual whose property and interests in property are blocked pursuant to § 560.211, is authorized, provided that the transfer is processed by a United States depository institution or a United States registered broker or dealer in securities and not by any other U.S. person; does not involve debiting or crediting an Iranian account; and is not by, to, or through the Government of Iran, as defined in § 560.304.

(b) Noncommercial, personal remittances do not include charitable donations to or for the benefit of an entity or funds transfers for use in supporting or operating a business, including a family-owned enterprise.

Note to paragraph (b) of § 560.550: Charitable donations of funds to or for the benefit of an entity in Iran require a specific license.

(c) The transferring institutions identified in paragraph (a) of this section may rely on the originator of a funds transfer with regard to compliance with paragraph (a) of this section, provided that the transferring institution does not know or have reason to know that the funds transfer is not in compliance with paragraph (a) of this section.

(d) An individual who is a U.S. person is authorized to carry funds as a noncommercial, personal remittance, as described in paragraphs (a) and (b) of this section, to an individual in Iran or ordinarily resident in Iran, other than an individual whose property and interests in property are blocked pursuant to § 560.211, provided that the individual who is a U.S. person is carrying the funds on his or her behalf, but not on behalf of another person.

§ 560.551 Student loan payments from persons in Iran authorized.

United States depository institutions and private loan companies are authorized to engage in all transactions necessary to collect, accept, and process student loan payments from persons in Iran or ordinarily resident in Iran.

§ 560.552 Transactions related to U.S. citizens residing in Iran.

(a) Except as provided by paragraph (b) of this section, U.S. persons are authorized to engage in transactions in Iran ordinarily incident to the routine and necessary maintenance and other personal living expenses of U.S. citizens who reside on a permanent basis in Iran.

(b) Nothing in this section authorizes transactions related to employment by U.S. persons in Iran.

§ 560.553 Payments from funds originating outside the United States authorized.

Effective October 22, 2012, receipts of payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 560.525(a) to or on behalf of the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 are authorized from funds originating outside the United States, provided that:

(a) Prior to receiving payment for legal services authorized pursuant to § 560.525(a) rendered to the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, the U.S. person that is an attorney, law firm, or legal services organization provides to the Office of Foreign Assets Control a copy of a letter of engagement or a letter of intent to engage specifying the services to be performed and signed by the individual to whom such services are to be provided or, where services are to be provided to an entity, by a legal representative of the entity. The copy of a letter of engagement or a letter of intent to engage, accompanied by correspondence referencing this paragraph (a), is to be mailed to: Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220;

(b) The funds received by U.S. persons as payment of professional fees and reimbursement of incurred expenses for the provision of legal services authorized pursuant to § 560.525(a) must not originate from:

(1) A source within the United States;

(2) Any source, wherever located, within the possession or control of a U.S. person; or

(3) Any individual or entity, other than the person on whose behalf the legal services authorized pursuant to § 560.525(a) are to be provided, whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order; and

Note to paragraph (b) of § 560.553: This paragraph authorizes the blocked person on whose behalf the legal services authorized pursuant to § 560.525(a) are to be provided to make payments for authorized legal services using funds originating outside the United States that were not previously blocked. Nothing in this paragraph authorizes payments for legal services using funds in which any other person whose property and interests in property are blocked pursuant to any part of this chapter or any Executive order holds an interest.

(c) *Reports.* (1) U.S. persons who receive payments pursuant to this section in connection with legal services authorized pursuant to § 560.525(a) must submit quarterly reports providing information on the funds received, no later than 30 days following the end of the calendar quarter during which the

payments were received. Such reports shall specify:

(i) The individual or entity from whom the funds originated and the amount of funds received; and

(ii) If applicable:

(A) The names of any individuals or entities providing related services to the U.S. person receiving payment in connection with authorized legal services, such as private investigators or expert witnesses;

(B) A general description of the services provided; and

(C) The amount of funds paid in connection with such services;

(2) In the event that no transactions occur or no funds are received during the reporting period, a statement is to be filed to that effect; and

(3) The reports, which must reference this section, are to be mailed to: Licensing Division, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW., Annex, Washington, DC 20220.

Note 1 to § 560.553: U.S. persons who receive payments in connection with legal services authorized pursuant to § 560.525(a) do not need to obtain specific authorization to contract for related services that are ordinarily incident to the provision of those legal services, such as those provided by private investigators or expert witnesses, or to pay for such services. Additionally, U.S. persons do not need to obtain specific authorization to provide related services that are ordinarily incident to the provision of legal services authorized pursuant to § 560.525(a).

Note 2 to § 560.553: Any payment authorized in or pursuant to this section that is routed through the U.S. financial system should reference this § 560.553 to avoid the blocking of the transfer.

Note 3 to § 560.553: Nothing in this section authorizes the transfer of any blocked property, the debiting of any blocked account, the entry of any judgment or order that effects a transfer of blocked property, or the execution of any judgment against property blocked pursuant to any part of this chapter or any Executive order.

§ 560.554 Importation and exportation of services related to conferences in the United States or third countries authorized.

(a) Subject to the restrictions in paragraph (c) of this section, the importation of Iranian-origin services into the United States or other dealing in such services and the exportation, reexportation, sale, or supply of services from the United States or by a U.S. person are authorized where such services are performed or provided in the United States by or for a person who is ordinarily resident in Iran, other than the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, for the purpose of, or which directly relate to, participating in a public conference, performance, exhibition or similar event, and such services are consistent with that purpose.

(b) To the extent not otherwise exempt from the prohibitions of this part and subject to the restrictions in paragraph (c) of this section, the exportation, reexportation, sale, or supply of services directly related to the sponsorship by a U.S. person of a public conference or other similar public event in a third country that is attended by persons who are ordinarily resident in Iran, other than the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211, is authorized, provided that attendance and participation at the conference or other similar public event is open for the public and that the conference or other similar event is not tailored in whole or in part to or for Iran or persons who are ordinarily resident in Iran.

(c) This section does not authorize:

(1) Any release of technology or software to a person who is ordinarily resident in Iran; and

(2) The exportation, reexportation, sale or supply of services, or the importation of Iranian-origin services or other dealing in such services, related to the petroleum or petrochemical industries, energy development, crude oil or natural gas, pipelines, or the oil services industry.

Subpart F—Reports

§ 560.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

§§ 560.602–560.603 [Reserved]

Subpart G—Penalties

§ 560.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (''IEEPA''), which is applicable to violations of the provisions of any license, ruling, regulation, order, directive, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA.

(1) A civil penalty not to exceed the amount set forth in section 206 of IEEPA may be imposed on any person who violates, attempts to violate, conspires to violate, or causes a violation of any license, order, regulation, or prohibition issued under IEEPA.

Note to paragraph (a)(1) of § 560.701: As of the date of publication in the **Federal Register** of the final rule amending and reissuing this part (October 22, 2012), IEEPA provides for a maximum civil penalty not to exceed the greater of $250,000 or an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

(2) A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of a violation of any license, order, regulation, or prohibition may, upon conviction, be fined not more than $1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b) *Adjustments to penalty amounts.* (1) The civil penalties provided in IEEPA are subject to adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note).

(2) The criminal penalties provided in IEEPA are subject to adjustment pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned, or both.

(d) Attention is directed to 18 U.S.C. 2332d, as added by Public Law 104–132, section 321, which provides that, except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, a U.S. person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act, 50 U.S.C. App. 2405, as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be

fined under title 18, United States Code, or imprisoned for not more than 10 years, or both.

(e) Violations of this part may also be subject to relevant provisions of Customs laws and other applicable laws.

§ 560.702 Detention of shipments.

Import shipments into the United States of Iranian-origin goods in violation of § 560.201 and export shipments from the United States of goods destined for Iran in violation of § 560.204 shall be detained. No such import, export, or reexport will be permitted to proceed, except as specifically authorized by or on behalf of the Secretary of the Treasury. Unless licensed, such shipments are subject to penalty or seizure and forfeiture action, under the customs laws or other applicable provisions of law, depending on the circumstances.

§ 560.703 Pre-Penalty Notice; settlement.

(a) *When required.* If the Office of Foreign Assets Control has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under IEEPA and determines that a civil monetary penalty is warranted, the Office of Foreign Assets Control will issue a Pre-Penalty Notice informing the alleged violator of the agency's intent to impose a monetary penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, see Appendix A to part 501 of this chapter.

(b)(1) *Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to the Office of Foreign Assets Control. For a description of the information that should be included in such a response, see Appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within the applicable 30-day period set forth in this paragraph. The failure to submit a response within the applicable time period set forth in this paragraph shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to the Office of Foreign Assets Control by courier) on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by the Office of Foreign Assets Control, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of the Office of Foreign Assets Control, only upon specific request to the Office of Foreign Assets Control.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof, must contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and must include the Office of Foreign Assets Control identification number listed on the Pre-Penalty Notice. A copy of the written response may be sent by facsimile, but the original also must be sent to the Office of Foreign Assets Control Civil Penalties Division by mail or courier and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by the Office of Foreign Assets Control, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see Appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by the Office of Foreign Assets Control are contained in Appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

§ 560.704 Penalty imposition.

If, after considering any written response to the Pre-Penalty Notice and any relevant facts, the Office of Foreign Assets Control determines that there was a violation by the alleged violator named in the Pre-Penalty Notice and that a civil monetary penalty is appropriate, the Office of Foreign Assets Control may issue a Penalty Notice to the violator containing a determination of the violation and the imposition of the monetary penalty. For additional details concerning issuance of a Penalty Notice, see Appendix A to part 501 of this chapter. The issuance of the Penalty Notice shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

§ 560.705 Administrative collection; referral to United States Department of Justice.

In the event that the violator does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Office of Foreign Assets Control, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

Subpart H—Procedures

§ 560.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

§ 560.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant to Executive Order 12613 of October 29, 1987 (3 CFR, 1987 Comp., p. 256), Executive Order 12957 of March 15, 1995 (3 CFR, 1995 Comp., p. 332), Executive Order 12959 of May 6, 1995 (3 CFR, 1995 Comp., p. 356), Executive Order 13059 of August 19, 1997 (3 CFR, 1997 Comp., p. 217), Executive Order 13599 of February 5, 2012 (77 FR 6659, February 8, 2012), and any further Executive orders relating to the national emergency declared in Executive Order 12957, may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

§ 560.803 [Reserved]

Subpart I—Paperwork Reduction Act

§ 560.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Appendix A to Part 560 [Reserved]

Appendix B to Part 560—Bulk Agricultural Commodities

Notes: 1. Appendix B sets forth those bulk agricultural commodities eligible for sale pursuant to the licensing procedures and the general license in § 560.530.

2. Commodities are identified by their classification numbers in the Harmonized Tariff Schedule of the United States (see 19 U.S.C. 1202) (''HTS'').

HTS No.	Commodity
1001.10	Durum Wheat.
1001.90	Other Wheat and Meslin, including seed, Red Spring Wheat, White Winter Wheat, ''Canadian'' Western Red Winter Wheat, Soft White Spring Wheat, and Wheat not elsewhere specified.
1101.00	Wheat or Meslin Flour.
1006.10	Rice in the husk (paddy or rough).
1006.20	Husked (brown) Rice.
1006.30	Semi-milled or wholly milled Rice, whether or not polished or glazed.
1006.40	Broken Rice.
1102.30	Rice Flour.
1103.14	Rice Groats, Meal and Pellets.
1002.00	Rye.
1003.00	Barley.
1004.00	Oats.
1007.00	Grain Sorghum.
1005.00	Corn (Maize).
0713.31	Dried Beans including Vigna mungo (L.), Hepper, and Vigna radiata (L.) Wilczek.
0713.32	Small red (adzuki) beans.
0713.33	Kidney beans, including white pea beans.
0713.39	Beans, other.
0713.50	Broad beans and horse beans.
0713.10	Dried Peas (Pisum sativum).
0713.20	Chickpeas (garbanzos).
0713.40	Lentils.
0713.90	Dried leguminous vegetables, shelled, not elsewhere specified.
1201.00	Soybeans, whether or not broken.
2304.00	Soybean cake, meal and pellets.
1507.10	Soybean oil, crude.
1507.90	Soybean oil, other.
1514.10	Rapeseed, colza and mustard oil, crude.
1514.90	Rapeseed, colza and mustard oil, other.
1515.21	Corn (Maize) oil, crude.
1515.29	Corn (Maize) oil, other.
1512.21	Cottonseed oil, crude.
1512.29	Cottonseed oil, other.
1517.90	Cottonseed oil, hydrogenated.
1508.10	Peanut (ground-nut) oil, crude.
1508.90	Peanut (ground-nut) oil, other.
1515.50	Sesame oil.
1512.11	Sunflower-seed oil, crude.
1512.19	Sunflower-seed oil, other.
1212.91	Sugar Beets, fresh, chilled, frozen or dried.
1212.92	Sugar Cane, fresh, chilled, frozen or dried.
1701.11	Cane Sugar, raw, solid form.
1701.12	Beet Sugar, raw, solid form.
1701.91	Cane or Beet Sugar, solid form, containing added coloring or flavoring.
1701.99	Cane or Beet Sugar, other, not elsewhere specified.

Appendix C to Part 560—[Reserved]

Appendix A to Chapter V—[Amended]

■ 2. The authority citation for Appendix A to Chapter V continues to read as follows:

Authority: 3 U.S.C. 301; 8 U.S.C. 1182, 1189; 18 U.S.C. 2339b; 21 U.S.C. 1091–1908; 22 U.S.C. 287C; 31 U.S.C. 321(b); 50 U.S.C. App. 1–44; Pub. L. 110–286, 122 Stat. 2632; Pub. L. 111–195, 124 Stat. 1312 (22 U.S.C. 8501–8551); Pub. L. 112–81, 125 Stat. 1298.

■ 3. Revise Note 8 to Appendix A to Chapter V to read as follows:

Appendix A to Chapter V—Information Pertaining to the Specially Designated Nationals and Blocked Persons List

* * * * *

8. The SDN List includes the names of persons determined to be the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to § 560.211 of the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (the ''ITSR''). The SDN List entries for such persons include the identifier ''[IRAN].'' U.S. persons are advised to review 31 CFR part 560 prior to engaging in transactions involving the

persons included on the SDN List with the identifier ''[IRAN].'' U.S. persons are further cautioned that persons identified as the Government of Iran, an Iranian financial institution, or any other person whose property and interests in property are blocked pursuant to 31 CFR 560.211 also may be designated or blocked pursuant to other sanctions programs administered by OFAC. The SDN List entry for such a person may include—in addition to the identifier ''[IRAN]''—identifier(s) for the other sanctions program(s) pursuant to which the person is listed on the SDN List. Moreover, the prohibitions set forth in the ITSR, and the compliance obligations, with respect to persons who fall within the definition of the Government of Iran in § 560.304 of the ITSR apply regardless of whether such persons are identified on the SDN List.

Dated: October 15, 2012.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

Approved: October 15, 2012.

David S. Cohen,

Under Secretary, Office of Terrorism and Financial Intelligence, Department of the Treasury.

[FR Doc. 2012–25770 Filed 10–19–12; 8:45 am]

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H.R. 1791/P.L. 112–180
To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse". (Oct. 5, 2012; 126 Stat. 1415)

H.R. 2139/P.L. 112–181
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Lowell National Historical Park Land Exchange Act of 2012 (Oct. 5, 2012; 126 Stat. 1420)

H.R. 2706/P.L. 112–183
Billfish Conservation Act of 2012 (Oct. 5, 2012; 126 Stat. 1422)

H.R. 3556/P.L. 112–184
To designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse". (Oct. 5, 2012; 126 Stat. 1424)

H.R. 4158/P.L. 112–185
To confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions. (Oct. 5, 2012; 126 Stat. 1425)

H.R. 4223/P.L. 112–186
Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety Act of 2012 (Oct. 5, 2012; 126 Stat. 1427)

H.R. 4347/P.L. 112–187
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To amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution. (Oct. 5, 2012; 126 Stat. 1436)

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91 VA Major Construction Authorization and Expiring Authorities Extension Act of 2012 (Oct. 5, 2012; 126 Stat. 1437)

H.R. 6431/P.L. 112–192
To provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes. (Oct. 5, 2012; 126 Stat. 1441)

H.R. 6433/P.L. 112–193
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